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805
No. 2251

United States
Circuit Court of Appeals

For the Ninth Circuit.

Apostles

(In 7 Volumes.)

MATSON NAVIGATION COMPANY, a Corporation,
Appellant,

vs.

UNITED ENGINEERING WORKS, a Corporation,
Appellee,

VOLUME I.

(Pages 1 to 304, Inclusive.)

Upon Appeal from the United States District Court for the
Northern District of California, First Division

FILED

JUL 1 - 1913

Records of U.S. Circuit
Court of Appeals
80/54

United States
Circuit Court of Appeals

For the Ninth Circuit.

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VS.

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Appellee,

VOLUME I.

(Pages 1 to 304, Inclusive.)

Upon Appeal from the United States District Court for the
Northern District of California, First Division

INDEX OF PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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*In the United States Circuit Court of Appeals for
the Ninth Circuit.*

MATSON NAVIGATION COMPANY, a Corp.,
Appellant,

vs.

UNITED ENGINEERING WORKS, a Corp.,
Appellee.

Stipulation as to Printing Record.

It is hereby stipulated and agreed by and between the parties to the above cause that the Matson Navigation Company, appellant herein, need not be required to print the following exhibits in the above cause sent up to this court as original exhibits:

1. Large black scrap-book containing stock cards introduced in evidence by the libelant and appellee herein, showing materials furnished for repair of the appellant's steamship "Hilonian."

2. Time and clock cards introduced in evidence in the above cause, showing time spent and work performed on said steamship "Hilonian."

3. Libelant's Curtis Exhibit No. 3, being time-sheets showing work done on board said "Hilonian."

4. Respondent's Exhibit Curtis No. 4, being duplicate of said Curtis Exhibit No. 3.

5. Libelant's Exhibit Heynemann No. 3, being detailed drawings and memoranda used by respondent's witness, Heynemann, in estimating the value of the repairs made on said "Hilonian," but that said exhibits may be considered by the Court as a part of the record herein even though not printed:

Provided, however, that the appellant herein be required to print in its brief herein, or as an appendix thereto, each and every stock card and each and every time and clock card on which it makes any specific attack in its said brief, and that said brief be served on appellee at least 20 days before the hearing. Provided, further, that if appellee deems it necessary for a fair presentation of the case that further parts of said omitted record be printed, then appellee shall be at liberty to order the same printed, and appellant agrees to advance the money for the payment of such additional printing, and it is mutually agreed that such payment may be taxed as costs by appellant in case costs are allowed it on this appeal.

Dated March 5th, 1913.

E. B. McCLANAHAN,

S. H. DERBY,

Proctors for Appellant.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Appellee.

[Endorsed]: No. 2251. U. S. Circuit Court of Appeals for the Ninth Circuit. Matson Navigation Co., Appellant, vs. United Engineering Works, Appellee. Stipulation as to Printing Record. Filed Mar. 5, 1913. F. D. Monckton, Clerk.

At a stated term, to wit, the October Term, A. D. 1912, of the United States Circuit Court of Appeals for the Ninth Circuit, held in the courtroom thereof, in the city and county of San Francisco, in the State of California, on Wednesday, the fifth day of March, in the year of our Lord one thousand nine hundred and thirteen. Present: The Honorable WILLIAM B. GILBERT, Circuit Judge; Honorable CHARLES E. WOLVERTON, District Judge; Honorable FRANK S. DIETRICH, District Judge.

No. 2251.

MATSON NAVIGATION COMPANY, a Corporation,

Appellant,

vs.

UNITED ENGINEERING WORKS, a Corporation,

Appellee.

Order on Stipulation as to Printing Apostles.

A stipulation of counsel as to printing the Apostles in the above-entitled cause having this day been filed, it is ORDERED that the said Apostles may be printed in accordance with the said stipulation.

*In the District Court of the United States, in and
for the Northern District of California, First
Division.*

IN ADMIRALTY—No. 15,013.

UNITED ENGINEERING WORKS (a Corpora-
tion),

Libelant,

vs.

MATSON NAVIGATION CO. (a Corporation),
Respondent.

Praecipe for Transcript on Appeal.

To the Clerk of the Above-entitled Court:

Please prepare transcript of record in this cause on appeal to the United States Circuit Court of Appeals for the Ninth Circuit to be filed in said court and include in said transcript the following:

1. Statement required by subdivision 1, Admiralty Rule 4, of the United States Circuit Court of Appeals for the Ninth Circuit.
2. All the pleadings and the exhibits annexed thereto, except papers omitted by stipulation dated December 7th, 1912.
3. All opinions of the Court on questions arising in said cause, and all orders made therein, including minute orders.
4. Court minutes of proceedings in above cause.
5. All testimony and depositions taken in said cause.
6. The original exhibits introduced in evidence

[1*] in said cause as per stipulation of counsel dated December 7th, 1912, and order made thereon.

7. Stipulations (2) of counsel as to Apostles on Appeal.

8. The Final Decree.

8a. Cost bill of libellant and rulings of Clerk and Judge thereon.

9. Notice of Appeal, Bond on Appeal, Notice of Filing Bond on Appeal and Assignment of Errors.

10. This Praecipe.

Dated, December 9th, 1912.

McCLANAHAN & DERBY,
Proctors for Respondent.

[Endorsed]: Filed December 9, 1912. W. B. Mal-
ing, Clerk. [2]

Statement of Clerk U. S. District Court.

*In the District Court of the United States in and for
the Northern District of California.*

PARTIES.

Libelant and Appellee: United Engineering Works,
a corporation.

Respondent and Appellant: Matson Navigation Com-
pany, a corporation.

PROCTORS.

For Libelant and Appellee: Nathan H. Frank, Es-
quire; Irving H. Frank, Esquire.

For Respondent and Appellant: Morrison and Bro-
beck, Esquires; McClanahan and Derby, Es-
quires. [3]

*Page-number appearing at foot of page of original certified Record.

1910.

March

7. Filed verified libel to recover the sum of \$34,737.72.

Issued Citation for the appearance of the Matson Navigation Company, a corporation, which said Citation was afterwards, on the 8th day of March, 1910, returned and filed with the following return of the United States Marshal endorsed thereon:

“I have served this writ personally by copy on Matson Navigation Company (a corporation), by handing to, and leaving with, H. B. Gregg, Secretary of Matson Navigation Company (a corporation), copy of the within Citation, this eighth day of March, A. D. 1910.

C. T. ELLIOTT,

U. S. Marshal.

By M. J. Fitzgerald,

Office Deputy Marshal.”

April

22. Filed appearance of Morrison and Brobeck, and McClanahan and Derby, as proctors for respondent.

April

25. Filed respondent's exceptions to libel.

May

6. The exceptions filed in the above-entitled cause to the libel were this day argued and submitted to the Honorable George Donworth, Judge of the District Court of the

United States, for the Northern District of California, at San Francisco, and were by said Court ordered overruled. [4]

1910.

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|-----------|-----|--|
| May | 16. | Filed answer of respondent. |
| May | 23. | Filed exceptions to answer of respondent. |
| May | 28. | A hearing on the exceptions to the answer filed by respondent was this day had before the Honorable George Donworth, Judge of this Court; the motion to strike exceptions from the files was denied. Further ordered that the first exception be and the same was allowed in part. (See opinion transmitted herewith.) |
| May | 31. | Filed order on exceptions to answer. |
| June | 17. | Filed respondent's amendment to answer. |
| June | 21. | Filed libelant's exception to amended answer.
Filed libelant's interrogatories propounded to respondent. |
| June | 22. | Filed respondent's exceptions to libelant's interrogatories. |
| September | 6. | A hearing on libelant's exceptions to amended answer and respondent's exceptions to libelant's interrogatories was this day had before the Hon. John J. De Haven, Judge of |

the District Court of the United States for the Northern District of California, at San Francisco. The same were duly argued by respective parties, and submitted to the Court for decision.

1910.

November 7. Filed order setting aside foregoing submission of exceptions to amended answer and interrogatories. [5]

December 5. A hearing on libelant's exceptions to amended answer and respondent's exceptions to libelant's interrogatories was this day had before the Hon. R. S. Bean, Judge of the District Court of the United States, for the Northern District of California, at San Francisco. The same were duly argued by respective parties, and submitted to the Court for decision.

December 19. By the Court ordered that the exceptions to amended answer be overruled.

Further ordered that the exceptions to libelant's interrogatories be overruled.

1911.

January 6. Filed petition of respondent for rehearing on exceptions to interrogatories propounded by libelant.

March 2. By the Court ordered that upon the

filing of points and authorities in reply to respondent's petition for rehearing of exceptions to libel, etc., stand as submitted to the Court for decision.

1911.

- | | | |
|-------|-----|--|
| March | 30. | Filed answer to petition for rehearing of exceptions to interrogatories propounded by libelant.
Filed respondent's reply to answer to the petition for a rehearing of exceptions to interrogatories propounded by libelant. |
| May | 3. | Filed memorandum opinion allowing the petition for rehearing of exceptions, etc., and that the order heretofore entered overruling exceptions [6] be vacated and set aside. |
| June | 2. | Exceptions to libelant's interrogatories were this day duly submitted to the Hon. John J. De Haven, Judge of this court, and upon briefs filed and to be filed. |
| June | 14. | Filed memorandum opinion sustaining respondent's exceptions to libelant's interrogatories. |
| June | 21. | Proctors for respective parties being present in open court, the Hon. John J. De Haven, presiding, and said counsel consenting thereto, ordered that this cause be referred to |

Jas. P. Brown, United States Commissioner, for the Northern District of California, to take the evidence and report the same to the Court.

1912.

September 16. Filed 4 volumes of testimony taken before United States Commissioner Jas. P. Brown, to whom this case was referred to take testimony.

September 16. This cause this day came on for hearing before the Hon. John J. De Haven, Judge of the District Court of the United States for the Northern District of California, and said hearing continued on the respective days until on September 20th, 1912, when said cause was submitted to the Court for decision.

November 21. Filed opinion.
Filed final decree.
Filed proctor's cost bill.

December 3. A hearing was this day had before the Hon. John J. De Haven, on the appeal taken from the taxation of costs made by the clerk of this [7] Court, and duly submitted, whereupon the Court ordered that the taxation of the clerk be affirmed.

December 3. Filed order as to taxation of costs.

December 5. Filed notice of appeal.

December 6. Filed bond on appeal.

December 31. Filed assignment of errors. [8]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS (a Corpora-
tion),

Libelant,

vs.

MATSON NAVIGATION CO. (a Corporation),
Respondent.

Libel.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, for the
Northern District of California.

The libel of United Engineering Works, a corpora-
tion, libelant, against Matson Navigation Co., a cor-
poration, respondent, and against all persons law-
fully intervening for their interest herein, in a cause
of contract, civil and maritime, alleges:

I.

That at all of the times hereinafter mentioned the
said libelant was, and still is, a corporation, organ-
ized and existing under and by virtue of the laws of
the State of California, having its principal place of
business in the city and county of San Francisco,
in said State.

II.

That at all the times hereinafter mentioned the
said respondent was, and still is, a corporation organ-
ized and existing under and by virtue of the laws
of the State of California, having its principal place

of business in the city and county of San Francisco, in said State, and at all of said times was, and still [9] is, the owner of the American steamer "Hilonian."

III.

That the said steamer "Hilonian," being in the port of San Francisco, in the District aforesaid, between the months of July and December, 1909, the said libelant furnished certain materials and performed certain labor on said vessel (the particulars of which are mentioned and set forth in the schedules hereto annexed marked 1, 2 and 3), toward the altering, equipping and repairing of said steamer, which said materials were furnished and labor performed at the special instance and request of the said respondent.

IV.

That the charges set forth in the schedules hereto annexed are just and reasonable, and that the said materials furnished and such labor performed upon said steamer were necessary and proper to the altering, equipping and repairing of said steamer.

V.

That the said repairs done, labor performed and materials furnished as aforesaid, amount to the sum of Thirty Thousand Nine Hundred and Fifty-five and 85/100 (30,955.85) Dollars, no part of which has been paid except the sum of Five Hundred and Twenty and 01/100 (520.01) Dollars, leaving a balance due and owing on said account of Thirty Thousand Four Hundred and Thirty-five and 84/100 (30,435.84) Dollars.

VI.

That payment for said sum became due on the 28th day of November, 1909, and the said libelant then demanded payment from said respondent of said sum, but said respondent has refused and neglected to pay the same, or any part thereof, and the whole amount of said Thirty Thousand Four Hundred and Thirty-five and $84/100$ (30,435.84) Dollars is due and owing from said respondent [10] to this libelant, and no part thereof has been paid.

VII.

That all and singular the premises are true, and within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

AND FOR A SECOND AND FURTHER CAUSE OF ACTION, THIS LIBELANT ALLEGES:

I.

That at all the times hereinafter mentioned the said libelant was, and still is, a corporation, organized and existing under and by virtue of the laws of the State of California, having its principal place of business in the city and county of San Francisco, in said State.

II.

That at all the times hereinafter mentioned the said respondent was, and still is, a corporation, organized and existing under and by virtue of the laws of the State of California, having its principal place of business in the city and county of San Francisco, in said State, and at all of said times was, and still is, the owner of the American steamer "Hilonian."

III.

That heretofore, between the months of July and December, 1909, the said steamer "Hilonian" being in the port of San Francisco, in the District aforesaid, the libelant furnished certain materials and performed certain labor on said vessel (the particulars of which are mentioned and set forth in the schedules hereto attached marked 4, 5, 6, 7, 8, 9 and 10), toward the altering, equipping and repairing of said steamer, which said materials were furnished and labor performed at the special instance and request of said respondent. [11]

IV.

That the said respondent promised and agreed to pay for the said work and materials the said several amounts in said schedules set forth, amounting in all to the sum of Four Thousand Three Hundred and One and 88/100 (4,301.88) Dollars.

V.

That payment of the said sum became due on the 28th day of November, 1909, and said libelant then demanded payment from said respondent of said sum, but said respondent has refused and neglected to pay the same, or any part thereof, and the whole of said Four Thousand Three Hundred and One and 88/100 (4,301.88) Dollars is due and owing from said respondent to this libelant, and no part thereof has been paid.

VI.

That all and singular the premises are true, and within the admiralty and maritime jurisdiction of the United States and of this Honorable Court.

WHEREFORE, libelant prays that process in due form of law according to the course of this Honorable Court in cases of admiralty and maritime jurisdiction may issue against the said Matson Navigation Co., owner as aforesaid, and that it may be required to answer on oath all and singular the matters aforesaid; and that this Honorable Court will be pleased to decree the payment of the said sum of Thirty-four Thousand Seven Hundred and Thirty-seven and 72/100 (34,737.72) Dollars, together with interest, from the 28th day of November, 1909, and costs of suit; and that the said libelant may have such other and further relief as in law and justice it may be entitled to receive.

UNITED ENGINEERING WORKS.

By SAM J. EVA,
Pres.

NATHAN H. FRANK,
IRVING H. FRANK,

Proctors. [12]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Offices and Works:	Marine Railway 4000 tons.
224-232 Spear Street,	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 5140.	

San Francisco, Cal., September 27, 1909.

Sold to Str. "Hilonian" and Owners.

Terms

Schedule 1.

Renewed #4 tank tops on port side and secured fore and aft and thwart ship angle irons under same.

Out 3 holes in bottom of ship to facilitate the cleaning of #4 tank. Patches riveted over holes 2-2 $\frac{1}{2}$ " sounding pipes supplied and fitted in #3 and #4 tanks. Secured angle iron bars in shaft alley for new flooring support. Supplied and fitted 4 new sheet iron guards for shaft alley couplings. Renewed and reconstructed floor plates and supports at back of engine. Raised floor plates over shaft and new angle bars supports fitted. Reconstructed handrails around L. P. valve motion and I. P. and H. P. engines. Made and fitted 2 sets iron guards for H. P. and L. P. crank pits. Straightened and patched bulkhead on port side of L. P. valve motion and division plate in filter tank. Re-flanged H. P. Ecc. slush pan drain holes cut in same and plug fitted. Supplied and fitted sheet iron cover for turning engine. Supplied and fitted new galv. iron casting for turning gear. Supplied and fitted new galv. iron slush pan for L. P. Ecc. Brackets for oil container made and fitted to bulkhead. Container and tray fitted with lugs and secured to brackets. Lagging cut away between boilers in engine room. Scaled and cleaned combustion chambers sides and backs and tube sheets of boilers. Supplied and fitted 2- $\frac{3}{4}$ " new style try cocks. Lagging on main boilers repaired and renewed. Made and fitted one main stop valve stem and 2 W. Iron handles. Made 2 main and 2 donkey check valve discs and one seat. Made and fitted 2 valve discs, seat, yoke, stem and nut for aux. stem line over boilers. Supplied and fitted strap hangers on feed and bottom blow lines. [13] Drilled and tapped 2 holes in donkey

boiler shell for low water cocks. Overhauled and re-installed damper in mainstack and new handle fitted to same. Supplied and fitted one extra stanchion support under lower flange on after end of stack. Made 2 letters M, of Gal. iron and secured same to main stack. Smokestack guys, shackles, etc., overhauled and repaired. Made and fitted one ladder from main to 'tween deck. Made and fitted one ladder from 'tween deck to lower hold. Forged one clamp for broken stanchion on rail and fitted same. Patched broken beam in 'tween decks and stanchion made and fitted to same. Riveted and bolted stanchions as directed. Removed one stanchion, new foot welded to same and re-riveted. Forged and fitted 10 eye bolts, in hatch combings. Supplied bolts, nuts, washers and plates for hatch combings. Supplied and secured plates around stern frame, and line plates around stern tube boss. Bored out rudder head block. Made and fitted new brass liner for same. Made and fitted steel collar for same, rollers for chain leads from quadraunt raised. Bored out gudgeons on rudder post and made and fitted new brass bushing to gudgeons and bushing bored to fit pintles. New pintles with brass liners made and fitted. Made and fitted new locking pintle with nut and button. Trued up key way in new propeller hub. Made one propeller blade wrench. Overhauled steering gear eng. rods and couplings. Gears refitted with taper pins and oiling devices attached. Made and fitted one brass strainer for main injection with new bolts. Made and fitted 3 W. Iron plate strainers for aux. suction. All sea suction

valves drilled and tapped. Nipples and valves inserted and connected to stm. line. Chipped one inch off each propeller blade and trimmed same up. Altered and renewed pipes to engine room tank manifolds made and fitted strap supports for same. Made and fitted new 4" vapor line with flanges from evaporator to main condenser, new hangers fitted. Run 2½ gal. suction line from bottom blow to fire pump. [14] Holes cut in one frame and floor plate to run this line. All copper pipes connected using new joints, bolts, etc., throughout. Renewed fittings on whistle line above umbrella. Size of hole in lagging around H. P. relief valve increased. Altered and repaired lagging on L. P. receiver. Removed forward bilge pump body to braze copper pipe, studs renewed and studs replaced. Made and fitted one C. Iron bonnet for forward line pump. Bored out air pump links made and fitted new parting pieces planed off brasses, made new locking collars, shortened binder bolts, trued up pins and re-fitted. Face off flanged of air pump floating top, made and fitted holding lugs for pump barrel, made and fitted new bronze tap bolts for same. Made and fitted brass bushing for pump cover. Removed circ. pump barrel to shop and faced off. Made and fitted new cast iron gland for old circ. pump plunger. Made 2 brass links and one crosshead for sanitary pump. Turned down thrust shaft couplings and faced off. Bearing trued up and shaft turned down at each end of thrust collars. Chipped and filed ribs at each end of thrust box, drilled holes in same and studs fitted. Made and fitted two brass stuffing

boxes completed to thrust box. Portion of shaft alley bulkhead cut out, removed one length on intermediate shaft to shop, forward coupling faced and turned down and bearing trued up. All other int. shaft bearings trued up in place. Couplings bolt holes in int. shafting reamed out. 9 bolts renewed and fitted. Water service for thrust reconstructed. Trued up I. W. P. Crankshaft by hand. I. P. crpin brasses re-metaled, bore out and re-bedded. Horse-shoes planed off on sides. Planed off main journal binders on sides and bottom, hand holes enlarged and holes plugged. Made and fitted 12 norw. iron holding down bolts for spg. bearing and thrust box. H. P. and I. P. valves removed for examination, cleaned, oiled and replaced. Crosshead yokes of H. P. and L. P. valves removed to shop. Brasses bored and planed and yokes filed off. New gibes made and fitted to brasses, all parts refitted and valves reset. L. P. Piston and follower [15] faced off on ring pckg. bearing faces. Lug thrust spare L. P. valve stem. Made new nut for valve. Made and fitted new binder bolts and nuts to foot of valve stem. Removed lower head of I. P. valve chest to shop and drilled same from $1\frac{1}{2}$ drain plug; holes drilled in ribs of cover. Made and fitted $1\frac{1}{2}$ brs. drain plug to I. P. valve chest cover. Made and fitted 4 brass parting pieces for L. P. Ecc. straps. Made and fitted iron distance pieces for H. P. Ecc. rods. Made and fitted brs. neck bushing to L. P. valve chest. Guide brasses of L. P. valve stem bored out and refitted. Renewed and fitted L. P. cut off screw to block, block reconstructed and supplied with locking nut and

washer. Made wrench for locking nut of same. Planed off parting pieces of I. P. crosshead and made new shims for same. Repaired and refitted cross head oil cups. 6 holes drilled in crosshead binders. Made and fitted Ecc. strap and sheave for turning engine and renewed all bolts, nuts and washers for same. Supplied new Dowels and set screws for main journal and crpin locking collars. Overhauled all throttle, reversing, passover and drain rods, supplied new pins and refitted same. Connected up all coffer drains using new jointings, bolts, nuts and washers. Supplied and fitted 1½ brs. nipple and lunk. Globe valve to drain on main stm. Line made and fitted new brass water service to guides with galv. drains and reconnected all water service lines in engine room and shaft alley. Made one new crankpin wrench. Repaired old crosshead wrench as directed. Renewed aft beam center housing and refitted brasses in both housings. Chipped forward patch on #3 housing. Tested all bolts and rivets in patches on #3 housing, made and fitted 2 new bolts and nuts in same. Made and fitted stm. gauge boards in engine and fire rooms, connected up gauges, tested 3 stm. gauges, supplied 2 stm. and 2 Ammonia gauges. Made and fitted new bonnet compl. for main injection valve. Engine room tank main folds removed to shop and bored out. Made and fitted new brs. valve seats and discs for same. Supplied one oil cup for Howden draft pan engine. [16] Supplied one Challenge metal ring casting. Made and fitted straps for hanging spare horse-shoe and 2 adjusting nut wrenches. Made 4-1¼ bolts,

nuts and washers for holding down brasses in place. Made 2 swivel eye bolt strove backs for handling main bearing crown brasses. Drilled holes and made eye bolts and fitted under cylinder for handling. Removed patch between cylinders, chipped and faced joints, renewed patch and replaced lagging. Filled up beam centers and drag link pins. Put new asbestos tape under all cyl. heads and L. P. valve chest cover. Overhauled revolution counter and reconstructed all rods and levers of same. Made drawings and sketches. Joints between air pump body and condenser, air pump body and valve chest were re-made, the pump was removed and joint faces were tested and all filed to a true surface before rejoining all, bolts and washers of these joints were renewed, enlarged studs on air pump, corrugated gasket placed in joints. Made a 12" balance cylinder completed with piston, bull ring, rings, etc., and fitted over L. P. valve. Chipped and faced same on top, made and fitted a square washer and locking nut on the valve. Lengthened the valve and finished in lathe, installed the above complete in vessel, with the necessary pipe connections, etc. Removed the high pressure and low pressure shoes, cast and finished new ones which were lined with challenge metal, made and fitted new plates to guides.

Removed the L. P. straps and bored same out to suit eccentric sheaves, the top halves were pocketed and babbitted and refitted same aboard ship. Turned up sheaves were turned up and 2 new bolts and nuts were made and fitted. Bored out the high pressure cylinder and counterboard cast, finished and

fitted new bull. Cast, finished and fitted a manganese bronze patch of average 1" section to #1 housing. Bolt holes in #2 coupling were reamed out and new bolts fitted to Norway iron. Bearings of the crankshaft were filed up and oiled stoned by hand.

Removed the blow off cocks on shin of ship, and supplied new [17] cocks and installed same. All sea valves re-ground and all strainers were removed and cleaned while in dock. Made new valve stem and nut and fitted same to main injection valve. Removed valve chamber of circulating pump and fitted plate under same to take old studs fitted. [18]

Cast iron	3060#	.04	\$ 122.40
“ brass.....	942#	.30	282.60
“ bronze.....	676#	.35	236.60
Rod iron.....	60#	.04	2.40
Challenge metal....	608#	.45	273.60
Sheet iron....	525#	.04	21.00
Steel plate....	8385#	.04	335.40
Channel & Angle iron.....	2020#	.04	80.80
Angle iron.....	130#	.04	5.20
Red lead putty.....	309#	.10	30.90
Rivets.....	731#	.05	36.55
c' A. S. K. Rivets.....	13#	.07	.91
C. R. Steel..	214#	.05	10.70
Forgings.....	3231#	.04	129.24
Sheet brass.....	5#	.30	1.50
Rod brass.....	3#	.50	1.50
Manz. bronze patch.....	897#	.35	313.95
2 20'— $\frac{3}{4}$ " pipe.....			1.65
1— $\frac{3}{4}$ brass—5— $\frac{3}{4}$ blk. Ells.....			.50
1— $\frac{3}{4}$ x3 brass nipples.....			.25

1— $\frac{3}{4}$ lunk. globe valve.....	.90
2— $\frac{3}{4}$ brass unions.....	1.00
24#— $\frac{3}{4}$ " brass pipe.....	8.40
12— $\frac{3}{4}$ x $2\frac{3}{4}$ —24—1x $3\frac{1}{4}$ studs.....	7.80
2— $\frac{1}{2}$ x $1\frac{1}{2}$ —1— $\frac{5}{8}$ x $1\frac{1}{4}$ set screws.....	.06
2# King packing	1.60
6— $\frac{1}{8}$ x1—6— $\frac{1}{8}$ x $1\frac{1}{2}$ —1— $\frac{3}{16}$ x2—4— $\frac{1}{4}$ x2 split pins.....	.10
2— $\frac{7}{8}$ —2—1"—10— $1\frac{1}{4}$ hex nuts.....	.75
2#— $\frac{3}{4}$ hex brass.....	.60
2 — $\frac{1}{2}$ x $\frac{3}{4}$ — 4 — $\frac{3}{4}$ x $2\frac{1}{4}$ — 9—1x $2\frac{1}{2}$ —5— 1x $3\frac{1}{2}$ cap screws.....	1.75
8# solder..... .25	2.00
10 gals. gasoline.....	1.80
2 doz. candles.....	.50
5 sheets tin.....	1.50
8# Blue steel... .05	.40
5# Russian iron..... .10	.50
4— $\frac{5}{8}$ —8— $\frac{7}{8}$ —52—1" washers.....	.60
8— $\frac{7}{8}$ x4—7— $1\frac{1}{4}$ x4—2— $1\frac{1}{4}$ x $4\frac{1}{2}$ bolts	1.95
1— $\frac{1}{4}$ brass plug.....	.10
41#— $1\frac{1}{4}$ C. R. Steel..... .05	2.05

Carried forward....\$ 1922.01

[19] Brought forward....\$ 1922.01

Template wood.....	6.70
3# Blue Steel..... .05	.15
10# Russian iron..... .10	1.00
200# Lignum Vitae..... .06	12.00
7# rod bronze..... .35	2.45
10— $\frac{3}{8}$ x1—2— $\frac{3}{8}$ x $2\frac{1}{2}$ — 24— $\frac{1}{2}$ x $1\frac{1}{2}$ — 2— $\frac{1}{2}$ x11 —2— $\frac{5}{16}$ x2—8 — $\frac{1}{2}$ x5—2— $\frac{3}{8}$ x	

11½—6—1½x1— 4—5⁄8x1½—14— 5⁄8x2 —24—5⁄8x2½—9—5⁄8x3— 2—5⁄8x3½— 2—5⁄8x3½— 2—5⁄8x6— 8—¾x1½—16 —¾— 6—¾x4— 2—¾x3½— 4—¾x 4½— 4—¾x6—4—¾x10— 12—¾x12 —3— ¾x18— 4—7⁄8x2½— 4—7⁄8x4— 3—7⁄8x10—1—1x3—20—1x4½ bolts..	11.95
12—3⁄8—12—1½—12—5⁄8—19—¾—38—7⁄8 6—1"—4—1⅛—8—1½ washers.....	1.00
6—5⁄8—6—¾—1—1" brs. 12—5⁄8—18—¾ —81 —7⁄8—4—1"— 6—1⅛—4—1¼— 8—1½ hex nuts.....	13.95
8—½x1— 2—¾x2½— 4—¾x4—2—n7⁄8x2 set screws.....	.54
8—½x4—4—5⁄8x2½—2—¾x4 screws.....	.42
8—5⁄8x2¼— 2—5⁄8x4½— 2—¾x10½—4— 7⁄8x4—7—1x3¼—10—1x3¾ studs.....	7.10
5#—3' hex tool steel.....	.75
36—¾x1¼—2—¾x1½—2—½x2— 4—5⁄8 x3—1—¾x2—4—7⁄8x1¾—4—7⁄8x2—4 —1x2 cap screws.....	1.52
24— 14/20x¾— 6—16/18x¾ brs. —45— 14/20x¾—120—½x1 mach. screws...	.80
189 Rags.....	9.45
180 doz. candles.....	45.00
46 gals. gasoline.....	8.28
23 " coal oil.....	5.75
48'—1½ pipe.....	4.50
2—½x¾—1—1½x1¼—1—3x1½ bushs...	.24
3—¾—1—¾x2— 1—¾x2—1—¾x18—1— ½x3—1—¾x5 nipples.....	.19
1—½—2—1½ serv. cocks.....	3.25

United Engineering Works. 25

3— $\frac{3}{8}$ —4— $1\frac{1}{2}$ ells.....	.54
1—3" flange.....	.34
1— $\frac{3}{4}$ brs.—5— $\frac{1}{2}$ —1— $1\frac{1}{2}$ blk. plugs.....	.26
25#—sheet lead.....	2.50
4 sheet tin.....	1.20
1— $\frac{3}{16}$ x $1\frac{1}{2}$ brass split pins.....	.68
37#—blk. rubber.....	11.10
6#—Flax packing.....	2.40
3# King packing.....	2.40

Carried forward....\$ 2080.47

[20]

Brought foward....\$ 2080.47

1145#—Check floor plate.....	.05	57.25
200#—#14 gal. sht. iron.....	.05	10.00
145# rd. & flat iron.....	.03 $\frac{3}{4}$	5.43
290#—blue steel.....	.05	14.50
220#—Norw. iron.....	.05	11.00
8# Band iron.....	.05	.40
21# Russian iron.....	.10	2.10
Template wood.....		37.40
5# sheet brass.....	.30	1.50
35#—brass rod.....	.30	10.50
63# bronze rod.....	.35	22.05
5# sheet copper.....	.30	1.50
3#— $\frac{1}{2}$ " brass pipe.....	.35	1.05
95# sheet zinc.....		9.50
37 doz. candles.....		9.25
17 gals. gasoline.....		3.06
10 " coal oil.....		2.50
5 " polar oil.....		3.00
102# rags.....		5.10

12—3/16x1—9— 5/16x1—94— 3/8x1—95— 3/8x1 1/2—6— 3/8x2—18— 1/4x1—72—1/2 x1—91— 1/2x1 1/2—41— 1/2x2—2—1/2x 2 1/2—4— 1/2x3—15— 1/2x4—29— 1/2x 4 1/2—6— 1/2x5—4—1/2x12— 2—5/8x1— 126— 5/8x1 1/2—168— 5/8x2—74— 5/8x 2 1/2—7— 5/8x3—3— 5/8x4—4—40—3/4x 1—64— 3/4x1 1/2—129— 3/4x2—139—3/4 x2 1/2—42—3/4x3—4— 3/4x3 1/2—6—3/4x 4— 5x3/4x5—3— 3/4x6—6— 3/4x6 1/2—8 —3/4x8—2— 3/4x8 1/2—6— 7/8x2 1/2—8— 7/8x3—11— 7/8x3 1/2—16— 7/8x3 1/2—16 —7/8x4—1— 1x3—8—1x3 1/2— 4—1x12 bolts.....	51.20
24—3/16x3/4—48— 3/16x1 1/4—4— 1/4x1 1/2— 12—5/16x3/4 stove bolts.....	.30
2—1/4x3/4—13— 3/8x3/4—9— 3/8x1 1/2—2—3/8x 1—8— 1/2x1 1/2—26— 1/2x3/4—28—1/2x1 —1—1/2x1 1/2—3— 1/2x2 1/2—4— 1/2x2 3/4 —27—5/8x1—12—5/8x1 1/4—9—5/8x1 3/4 —1— 5/8x2—2—3/4x1—11— 3/4x1 1/4— 2— 3/4x1 1/2—2— 3/4x2 1/2—5— 7/8x2—3 —7/8x2 1/2—1—1x2 cap screws.....	5.20
2—1/2x2 1/2—1— 1 1/2x3 1/2—17— 5/8x2—2— 5/8x3—32— 3/4x2 1/2—1— 3/4x2 3/4 —2— 7/8x2 3/4—4—7/8x6 studs.....	8.38
4—1/2x3—2—5/8x3 1/2—3—3/4x8 lag screws.	.40
2—3/8x3/4—1— 1/2x1—6— 1/2x1 1/4— 6—5/8x 1—2—3/4x1—1—3/4x1 1/2 studs.....	.30
24—1/4—4— 5/16—4— 3/8—110— 1/2—46— 5/8—101—3/4—57—7/8—7—1" washers.	2.48
24 washers as per sample.....	1.50

United Engineering Works.

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6—1½—6—5⁄8—2—¾ brass nuts.....	1.98
2—1½ sleeves.....	.06
1—1½x¾ reducer.....	.05
8—#14x2—14—#18x2 brs. wood screws..	.88
1# gal. tacks.....	.15
500# cement.....	4.50
1600# sand.....	1.60
44—16 cp.—110 and el., lamps.....	11.00
16—Ed. Atl. plugs.....	4.80
3—1½x27" studs.....	.90

Carried forward....\$ 2383.24

[21]

Brought Forward.... \$2383.24

300' —#18 marine port. cable.....	24.00
2 copper corr. gaskets.....	8.00
8 rolls friction tape.....	2.00
5# blk. powder.....	2.50
23# lubricating comp.....	6.90
1½ gal. antifouling paint.....	2.00
12# solder.....	.25 3.00
3# brass wire gauze.....	1.20
5# smoothon.....	1.75
15# brown soap.....	.75
3# graphite....	.90
73' teak.....	18.25
Sawing teak.....	5.50
11# tallow.....	1.10
13# litharge.....	1.95
1 gal. glycerine.....	2.80
6—21½ hex nuts.....	4.40
250'—#14 R. C. Wire.....	10.00

75 gals. distillate.....	7.50
10# Glaners putty.....	.50
3—3/16x127/8x361/2 corr. lights.....	5.50
Supplying Bitumastic Solution.....	328.00
18 —1/4—48 —3/8—2—1/2—23—5/8— 19—3/4 —46—7/8— 12—1"— 16—11/4—2— 17/8 —21—2" hex nuts.....	27.03
2—3/32x5/8—6—1/8x1— 10—1/4x2— 1—1/4x 2 1/2— 1—5/16x1 1/4— 1—3/8x2— 1—3/8x 3 split pins.....	.24
2—#5x2 1/4—4—#7x3 1/2 taper pins.....	.40
20—1/8x1 1/2 brs. wood screws.....	.40
18— 14/20x3/4—8—24/16x1— 48— 24/16x 1 3/4 mach. screws.....	.45
6— 20/18x3/4— 10—20/18x1— 12— 24/16x 1 1/2 brass mach. screws.....	.75
6# nails.....	.30
6# solder.....	2.10
2# Amazon packing.....	1.40
36# King packing....	28.80
50# Flax packing.....	20.00
9# Gladiator packing.....	6.30
33# blk. rubber.....	9.90
15'—3/8"—44'—1/2— 17'—1"—5'— 11 1/4"—2' — 11 1/2"—24'—2 1/2 gal.—3'—1/4—545'— 1'—120'—11 1/4"—21'—11 1/2—20'—4" blk. pipe	50.64
5—1/4—2—1/2—45 deg—3—3/4 brs—3—1/2— 2—1/2 str.—4—1/2—45 deg—4—11/4—1 —11/4—45 deg—2—11/2—2—2—45 deg —1—2 1/2—4—2 1/2—45 deg—1—3—45 deg gal.—2—3/8—1—3/4—13—1"—1—	

1—45 deg.—10—11 $\frac{1}{4}$ —8—11 $\frac{1}{2}$ —7—11 $\frac{1}{2}$ —45 deg—2—2"—1—4" blk. ells.....	11.61
1—1 $\frac{1}{2}$ hrs—1—4" gal.—1—11 $\frac{1}{4}$ —3—11 $\frac{1}{2}$ —3 —3 $\frac{1}{4}$ x3 $\frac{1}{4}$ x1 $\frac{1}{2}$ —1—2x2x11 $\frac{1}{4}$ blk. tees....	3.58
2—1 $\frac{1}{2}$ —2—3 $\frac{1}{4}$ brs—4—1 $\frac{1}{2}$ —1—1"—1—11 $\frac{1}{4}$ —1—11 $\frac{1}{2}$ —1—2" gal—1—3 $\frac{1}{8}$ —5—1"— 4—11 $\frac{1}{2}$ blk. unions.....	6.17

Carried forward.... \$2991.81

[22]

Brought forward....\$2991.81

5—1 $\frac{1}{4}$ —2—1 $\frac{1}{2}$ —4—3 $\frac{1}{4}$ —1—2" sleeves50
1—11 $\frac{1}{4}$ —1—11 $\frac{1}{2}$ cross.....	.36
1—3 $\frac{1}{4}$ x3 $\frac{1}{8}$ —3—11 $\frac{1}{4}$ —1 $\frac{1}{2}$ —1—2x11 $\frac{1}{2}$ —1—3x 11 $\frac{1}{2}$ bushes.....	.35
6—1 $\frac{1}{4}$ x11 $\frac{1}{4}$ —2—3 $\frac{1}{8}$ —6—1—1 $\frac{1}{2}$ —1—11 $\frac{1}{2}$ x3 brs—3—1 $\frac{1}{2}$ —1—1 $\frac{1}{2}$ x2—4—11 $\frac{1}{2}$ —1— 11 $\frac{1}{2}$ —2—3—11 $\frac{1}{2}$ x3 gal. 5—1 $\frac{1}{4}$ —3—3 $\frac{1}{8}$ — 1—1 $\frac{1}{2}$ —12—1 $\frac{1}{2}$ x4—2—1x5—1—11 $\frac{1}{4}$ —1 —11 $\frac{1}{4}$ x3—1—11 $\frac{1}{4}$ x3—1 bl. 3 $\frac{1}{4}$ x6—2— 11 $\frac{1}{2}$ —1—11 $\frac{1}{2}$ x21 $\frac{1}{2}$ —2—2"—1—4x6—1 —4x15 blk—1—1x4—2—11 $\frac{1}{4}$ x4—1— 11 $\frac{1}{2}$ ex heavy nipples.....	5.22
1—1 $\frac{1}{2}$ x3 $\frac{1}{8}$ —2—1x3 $\frac{1}{4}$ brs—1—11 $\frac{1}{4}$ x3 $\frac{1}{4}$ —1—2x 11 $\frac{1}{2}$ gal.—1—1 $\frac{1}{2}$ x11 $\frac{1}{4}$ blk bushes.....	.98
1—2" gal. lock nut.....	.35
2—21 $\frac{1}{2}$ gal.—2—3 $\frac{1}{8}$ blk caps.....	.51
1—1 $\frac{1}{2}$ x1 $\frac{1}{2}$ —1—1x1 $\frac{1}{2}$ reducer.....	.12
1—3 $\frac{1}{4}$ brs.—1—11 $\frac{1}{2}$ —1—2 blk. plugs.....	.26
2—2"—4—21 $\frac{1}{2}$ —1—4" gal.—1—21 $\frac{1}{2}$ —1—3 —1—4" blk flanges.....	5.30
6—1 $\frac{1}{2}$ —2—11 $\frac{1}{2}$ std. globe valves.....	6.17
1—1 $\frac{1}{2}$ —1—1"—1—11 $\frac{1}{4}$ —1—11 $\frac{1}{2}$ angle—1— 1"—11 $\frac{1}{4}$ —1—11 $\frac{1}{2}$ lunk globe valve....	10.50

30 *Matson Navigation Company vs.*

1—2½" fldg. angle—1—2½ fldg. lunk.	
globe valve.....	36.50
2 sheets tin..	.60
2 rolls friction tape.....	.60
21—16 cp. 110 v. el. lamps.....	5.25
2# pipe compound.....	.60
2# marline.....	.50
2 corrugated copper gaskets.....	1.75
2—¼—2—⅜ grease cups.....	4.00
7—¼—4—⅜—2—½ oil cups.....	5.20
2—1½ comp. India oil stoves.....	2.00
brs. swivel haspt.....	.90
½ gal. glycerine.....	1.40
3 balls lamp wicking.....	.30
6# asbestos tape.....	6.00
1—1pt. chase feeder can.....	.50
1—4½" C. I. Stm. gauge 80#.....	1.50
2—6"—2—8½ I. C. Stm. gauges.....	21.00
2—¾ new style try cocks.....	8.00
1—6" face comp. ammonia gauge.....	17.75
1 eng. lubricator....	2.00
2 knuckle forgings....	4.20
Alter and installing stm. and vacuum gauge	
pipes.....	30.00
2# oakum30
1000# Portland cement.....	9.00
Galvanizing 8 pcs. of plate.....	4.55
30—¾x3 pipe separators.....	.60
Patternwork.....	324.10

Carried forward....\$3511.53

Brought forward....\$3511.53

Shop:

Ironworkers.... ..370 hrs. .55 203.50

Shears punch & counter-
conk..... ..149 “ .80 119.20

Bending slab, oil fur-
nace..... ..79 “ 1.50 118.50

Machinists.. ..3384 “ .60 2030.40

Machinist & Machine.1566 “ .80 1252.80

Machinist & Machine:

Large tool.. ..944 “ 1.50 1416.00

Helpers..... ..1124 “ .40 449.60

Blksmith, fire & helper.194 “ 1.50 291.00

Blksmith, Fire & Helper:

Steam hammer..... ..78 “ 2.00 156.00

Running crane in shop..64 “ 1.50 96.00

Running power house
at night..... ..480 “ 1.50 720.00

Foreman.... ..292 “ .65 189.80

Planer.... ..13 “ 1.50 19.50

Rolls..... ..7 “ 1.50 10.50

Draftsman.... ..45 “ .80 36.00

Ship time:

Machinists.... ..10,534 “ .60 6320.40

Helpers.... ..10,027 “ .40 4010.80

Steamfitters.. ..358 “ .60 214.80

“ helpers ..205 “ .40 82.00

Ironworkers4,316 “ .55 2373.80

Air tool & operator..1,023 “ 1.25 1278.75

Machinists & Air tools..63 “ 1.25 78.75

Laborers..... ..3,457 “ .40 1382.80

32 *Matson Navigation Company vs.*

Foreman..	1,096 “ .65	712.40
Ship wrights....	8 das. 5.50	44.00
		<hr/>
		\$27118.83

Docking, Cleaning and Painting:

Cleaning and painting 2 coats.....	246.00
Docking 6 da. @2654—15924 tons— @.10.....	1592.40
Docking 4 nights—10616 tons—@.10	1061.60
	<hr/>
	\$30018.83

31814

[24]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street,	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 24, 1909. 190.

Sold to Str. “Hilonian” & Owners. Terms.

Schedule 2.

8000'—1x12 O. P. #1.....	\$120.00
2000'—1x6 & 1x10 O. P. # 1 6—2½x8 steel	
wire brushes.....	2.10
12½# Litharge.....	1.87
2—5/8x14 Gauge Glasses.....	.20
6—35# Adams superior brushes.....	9.00
8—16 c. p. 110 v. ol. lamps.....	19 1.52
1 Sash tool.....	.10
1 Marking brush.....	.15
7# Manganosite.....	7.70

United Engineering Works. 33

6 steel scrapers.....	2.00
93# nails.....	4.65
40—1/2x2—36—5/8x2—36—5/8x2 1/2—6—3/4x3 1/4 —6—7/8x2 1/2 bolts.....	4.32
1—1" galv. flange.....	.36
7# King packing.....	5.60
2—1 1/4x1 1/4 bushs.....	.12
3 doz candles.....	.75
6—1" sleeves.....	.36
1—1 1/4x3 nipple.....	.06
55# Red lead paint.....	5.50
5 gals. coal oil.....	1.25
36—1/2x4 car bolts.....	2.50
<hr/>	
\$170.06	

31785—5299 [25]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
224-232 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 5140.	

San Francisco, Cal., October 25, 1909. 19

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 3—Page 1.

Made 12 stake wedges. Made 6 scaling bars.
 Made 2 brine cocks as per sketch. Supplied 3 compr.
 grease cups and 2 bushs. Supplied one piece of iron
 7/8x4x6 (no charge). Forged and finished one key.
 Forged one bracket and drilled holes in same.
 Threads trued up on 8 coupling bolts. Re-tempered

4 safety valve springs. Faced 2 bronze bands. One bronze valve stem turned up. Made one steel forging for valve bonnett and fitted same to bonnett. Bonnett shaped to suit forging. Fitted 2 coupling bolts and chased threads in nuts for same. Made 2 W. Iron wrenches. Supplied material. Made one low pressure follower, and made one spare set of high pressure piston rings. *Working overtime.*

12 stake wedge forgings.....	\$	2.20
2 scaling bar forgings.....		7.20
Gun metal in brine cocks 48#.....	.32	15.36
100' blocking		3.00
12—18" wedges75
2 wrench forgings for brine cocks.....		2.40
1 bracket forging		1.80
1 key forging		2.60
4 pr. 1 $\frac{1}{4}$ Ammonia flanges.....		3.80
1—2" deck plug.....		2.00
9' teak		2.25
2—#3 ideal grease cups.....		3.58
Retemper 2 springs.....		2.80

[26]

1 steel forging 10#.....	.05	.50
8— $\frac{3}{4}$ x4 $\frac{1}{2}$ Norw. iron studs.....		1.80
9# C. R. Steel.....	.05	.45
2— $\frac{5}{8}$ x2 $\frac{3}{4}$ cap screws.....		.10
2— $\frac{3}{4}$ brs. tees.....		.72
2—1 $\frac{1}{4}$ steel flanges.....		2.00
4— $\frac{5}{8}$ x2 studs42
3— $\frac{3}{16}$ x2 $\frac{1}{2}$ split pins.....		.03
1—1 $\frac{1}{2}$ " brass flange.....		.60
Bolt & Nur forgings.....	.530#	.04 21.20

United Engineering Works. 35

Cast iron follower.....	990#	.04	39.60
“ “ piston ring	155#	.04	6.20
1 doz candles.....			.25
Patternwork			12.00
Eye bolt forgings.....	40#	.04	1.60

SHOP.

Machinists	60 hrs.	.60	36.00
Machinist & Machine.....	117 “	.80	93.60
“ on large tool....	57 “	1.50	85.50
Helpers	52 “	.40	20.80
Blksmith, Fire & Helper...	10 “	1.50	15.00
“ on steam hammer	7 “	2.00	14.00
Running powerhouse at night	15 “	1.50	22.50

SHIP.

Machinist	162 “	.60	87.20
Helpers	72 “	.40	28.80

\$540.61

31875—5528—1818 [27]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252—256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., October 30, 1909. 190.

Sold to Str. “Hilonian” Matson Navigation Co.

Terms.

Schedule 3—Page 2.

Made one L. P. Piston follower. Made one spare set H. P. Piston ring.

NIGHT.

C Iron follower.....	990#	.04	39.60
“ “ piston rings	115#	.04	6.20
1 doz. candles.....			.25
Patternwork			11.10
Eye bolt forgings.....	40#	.40	1.60

SHOP.

Machinists	30 hrs.	.60	18.00
Machinist & Machine.....	21 “	.80	16.80
“ on large tool.....	55 “	1.50	82.50
Helpers.....	47 “	.40	18.80
Blksmith, fire & helper.....	2 “	1.50	3.00
Running Powerhouse at night	15 “	1.50	22.50

SHIP.

Machinist	10 “	.60	6.00
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\$226.35

31872—5528 [28]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 27, 1909. 190

Sold to Str. “Hilonian” & Owners. Terms.

Schedule 4.

Bored out and remetal 5 springs—bearings	
as agreed	\$330.00
Remetal horse shoes in thrust on one side	
only—plane to size—groove for oil and	
fit to collars—as agreed.....	146.88

United Engineering Works. **37**

Grind off I. P. piston rod—as agreed.....	50.00
Supply and fit in place 5— $\frac{3}{8}$ " check floor plates as agreed.....	50.00
New elbow in Donkey boiler stack—as agreed	40.00

\$616.88

31786—5295 [29]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252—256 Spear Street.	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 27, 1909. 190.

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 5.

Repairs to ladders, floor plates and gratings
in Engine room as per agreement.....\$190.00

31728—5390 [30]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 tons.
252—256 Spear Street.	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 27, 1909. 190

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 6.

Renewed 35 rivets in connection. Caulk
70' of seam. Renew one Tube in main
boiler, as agreed.....\$140.00

31729—5317 [31]

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.**Marine and Stationary Machinery of All Kinds.**

Office and Works:	Marine Railway 4000 tons.
252-256 Spear Street.	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 30, 1909. 190

Sold to Str. "Hilonian" & Owners. Terms.

Schedule 7.

Make and install one brake rig on reversing
shaft as agreed.....\$140.00
31789-5401 [32]

Schedule 8.

All Agreed Prices,—Net Cash.

UNITED ENGINEERING WORKS.**Marine and Stationary Machinery of All Kinds.**

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street.	Shipyard Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 22, 1909. 190

Sold to Str. "Hilonian" & owners. Terms.

Cast and finish 4 new bearing boxes for main
journals.

Cast and finished 4 new bearing boxes for
main journals.....\$1350.00
31787-5009 [33]

Schedule 9.

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 24, 1909. 190

Sold to Str. "Hilonian" & owners. Terms.

Make new smoke stack 8'x46' Remove old stack and install new one. Enlarge casing below umbrella. Make new top for breeching, and 2 turnbuckle hangers.

To construction of new smoke stack remov-

ing old and installing new.....\$ 900.00

Enlarged Casing as agreed..... 60.00

Made new top for breeching and made 2 new

turnbuckle hangers—as agreed..... 180.00

\$1140.00

31790-5389 [34]

Schedule 10.

All Agreed Prices—Net Cash.

UNITED ENGINEERING WORKS.

Marine and Stationary Machinery of All Kinds.

Office and Works:	Marine Railway 4000 Tons.
252-256 Spear Street.	Shipyards Oakland Harbor.
San Francisco, Cal.	Telephone Oakland 7364.
Telephone Kearny 120.	

San Francisco, Cal., September 21, 1909. 190

Sold to Str. "Hilonian" & owners. Terms.

Renew 2 bottom tube sheets in forced draughts.

Renew 2 back heads, 2 division head and 4
tube in smoke box.

Contract.....\$725.00

31788-5313. [35]

United States of America,
Northern District of California,—ss.

Sam J. Eva, being duly sworn, deposes and says:
That he is an officer of the United Engineering
Works, a corporation, Libelant in the above-entitled
cause, to wit, the President thereof; that he has read
the foregoing Libel and knows the contents thereof;
that the same is true of his own knowledge, except
as to the matters therein stated upon information and
belief and that as to those matters he believe it to be
true.

SAM J. EVA.

Subscribed and sworn to before me this 7th day of
March, 1910.

[Seal]

M. T. SCOTT,
Deputy Clerk U. S. District Court, Northern Dis-
trict of California.

[Endorsed]: Filed Mar. 7, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [36]

**[Order Allowing Respondent Ten Days' Further
Time to Make Tender and Deposit of Amount
Admitted Due Libelant.]**

At a stated term of the District Court of the United
States of America for the Northern District of
California, held at the courtroom thereof, in the
city and county of San Francisco, on Friday, the

22d day of April, in the year of our Lord, one thousand nine hundred and ten. Present: The Honorable WILLIAM C. VAN FLEET, Judge.

#15,013.

UNITED ENGINEERING WORKS, a Corporation,

vs.

MATSON NAVIGATION CO., a Corporation.

On motion of E. B. McClanahan, Esqr., one of the proctors for respondent, and the filing of an affidavit in support thereof, it is by the Court ordered that the above-named respondent be, and it is hereby allowed ten days, further time within which to make tender and deposit of such amount as said respondent may admit to be due and owing to said libelant for the supplies, work and material furnished to and upon respondent's said S. S. "Hilonian," which form the subject matter of this action, and upon such tender and deposit being made there shall be reserved to the respondent any and all rights which it may properly claim under the rule and practice of this Court touching the matter of tender and deposit before plea.

[37]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Libel.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, in and
for the Northern District of California:

Now comes the above-named respondent by its
proctors and excepts to the libel filed in the above
cause on the ground that the same is uncertain, in-
definite and unintelligible in the following particu-
lars:

I.

AS TO THE FIRST CAUSE OF ACTION.

a. In that the particulars of the amounts alleged
to be the just and reasonable value of the materials
furnished to and the labor performed upon the said
steamer "Hilonian," as set forth in the schedules an-
nexed to said libel, are (after making allowance for
the amount said to have been paid on account
thereof) at variance with the sum set forth in the
body of said libel as being the balance due and owing
from said respondent to the libelant therefor.

b. Because the particulars of the sum of

\$30,435.84 sued for under the first cause of action in said libel was referred [38] to and stated so indefinitely and uncertainly that the allegations thereof cannot be answered unto.

c. Because the sum and value of the particulars shown by Schedules 1, 2 and 3 is at variance with the sum of \$30,435.88 sued for and alleged to be due under the first cause of action.

d. In that it does not appear from said libel that respondent promised to pay libelant for materials furnished and labor performed under the first cause of action.

II.

AS TO THE SECOND CAUSE OF ACTION.

a. In that the particulars of the amounts respondent is alleged to have agreed to pay for the alleged work and material done upon and furnished to the said steamer "Hilonian," as set forth in the schedules annexed to said libel, are at variance with the sum set forth in the body of said libel as being due and owing from said respondent to the libelant therefor.

b. Because the particulars of the sum of \$4,301.88 sued for under the second cause of action in said libel are referred to and stated so indefinitely and uncertainly that the allegations thereof cannot be answered unto.

c. In that it appears from the schedules attached to said libel that the materials furnished and labor performed as alleged in said second cause of action were furnished and performed under agreements and contracts, and that said agreements and contracts are not set forth in or attached to said libel.

III.

In that the total amount alleged to be due and owing from the respondent to the libelant under the first and second causes of action is uncertainly stated in that the same is at variance with the sum of the values enumerated in Schedules 1 to 10 inclusive. [39]

WHEREFORE, respondent prays judgment of this Honorable Court whether it shall be compelled to make any further answer to the said libel, and prays to be hence dismissed with costs.

Dated San Francisco, Cal., April 25th, 1910.

MORRISON & BROBECK,
McCLANAHAN & DERBY,
Proctors for Respondent.

Receipt of a copy of the within Exceptions to Libel is hereby admitted this 25th day of April, 1910.

NATHAN H. FRANK,
Proctor for Libelant.

[Endorsed]: Filed, Apr. 25, 1910. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [40]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Friday, the 6th day of May, in the year of our Lord one thousand nine hundred and ten. Present: The Honorable GEORGE DONWORTH, Judge.

#15,013.

UNITED ENGINEERING WORKS, a Corporation,

vs.

MATSON NAVIGATION COMPANY, a Corporation.

Order Submitting and Overruling Exceptions to Libel.

The exceptions to the libel herein this day came on for hearing, E. B. McClanahan, Esqr., appearing for and Nathan H. Frank, Esqr., appearing against said exceptions. Mr. McClanahan stated to the Court that respondent consented to a *pro forma* ruling on said exceptions. By the Court ordered that said exceptions be, and they are hereby overruled for want of prosecution, and said respondent be, and it is hereby allowed ten days in which to answer the libel herein. [41]

In the District Court of the United States, in and for the Northern District of California.

No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Answer of Respondent.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, in and
for the Northern District of California:

FIRST CAUSE OF ACTION.**I.**

Answering the libel of the above-named libelant, this respondent admits the allegations of said libel contained in the first of second paragraphs.

II.

Answering the allegations of the third paragraph, this respondent while admitting that between the months of July and December, 1909, libelant furnished certain materials and performed certain labor towards the altering, equipping and repairing of its said S. S. "Hilonian," denies that Schedules 1, 2 and 3 annexed to said libel truly set forth the particulars or the value of said materials and labor.

III.

Answering to the allegations of the fourth paragraph of said libel, respondent denies the same. [42]

IV.

Answering to the allegations of the fifth paragraph of said libel, respondent denies the same.

V.

Answering to the allegations of the sixth paragraph of said libel, respondent admits the demand and refusal set up in said paragraph, but denies the remaining allegations thereof.

VI.

Answering the allegations of the seventh para-

graph, respondent denies that all and singular the premises are true in the first cause of action, but admits the jurisdiction of the Court.

And as a separate answer to libelant's first cause of action, respondent alleges that during the month of July, 1909, it did furnish to the libelant and others certain specifications of work to be performed and materials to be furnished in the repair of its said S. S. "Hilonian," and requested that bids for said work and materials be furnished it. That in accordance with said request, and on the 2d day of August, 1909, a bid was so furnished for said work and materials by said libelant amounting to the sum of \$11,749.00, and the same being the lowest of the bids then made for performing said work and furnishing said materials was accepted by respondent, and thereby became a binding contract between the parties. Copies of said specifications and libelant's said bid being hereto attached, referred to and made part hereof as Exhibits 1 and 2 respectively. That in pursuance of the contract so formed, said SS. "Hilonian" was turned over to the said libelant and said repair work was commenced on, to wit, the 23d day of August, 1909, and was continued until, to wit, the 25th day of September, 1909. [43] That during the progress of said work it was mutually agreed that certain omissions, modifications and changes in said specifications and the work to be performed under said contract should be made, and the same were made and omitted without an agreement between the parties as to the value of said omissions, changes and modifications.

That certain work and materials were also fur-

nished to said steamer by said libelant during said period of time between August 23d and September 25th, 1909, in addition to the work and materials called for by said contract, and for which no price was agreed upon other than that the same would be compensated for at its just and reasonable value.

That respondent is informed and believes, and upon such information and belief alleges, that the just and reasonable value of the work and materials omitted as aforesaid by agreement of the parties from the original contract as aforesaid is the sum of \$1,398.25, and of the additional work and materials furnished as aforesaid the sum of \$8,280.50.

That after said work and materials had been done on and furnished to said SS. "Hilonian," and during the months of September and October, 1909, said libelant did furnish to said respondent's said steamship certain supplies, work and materials without any agreement as to the price to be paid therefor, which said supplies, work and material were of no greater value than the sum of \$937.07; and respondent is informed and believes and upon such information and belief alleges that said supplies, work and material were of less value than the said sum of \$937.07, and respondent expressly reserves the right of proving, at the trial of this cause, the value of the supplies, work and materials furnished during said months of September and October referred to in the foregoing paragraph. [44]

That the total amount due and owing to the libelant under the first cause of action herein aggregates not more than the sum of \$19,568.32.

SECOND CAUSE OF ACTION.

I.

Answering unto the second cause of action, respondent admits the allegations contained in the first and second paragraphs of said libel.

II.

Answering the allegations contained in the third paragraph respondent, while admitting that between the months of July and December, 1909, libellant furnished materials and performed certain labor towards the altering, equipping and repairing of its said SS. "Hilonian," at its special instance and request, denies that Schedules 4, 5, 6, 7, 8, 9 and 10 annexed to said libel truly set forth the particulars and value of said materials and labor except as said denial may be modified by its further answer herein.

III.

Answering to the fourth paragraph, respondent denies the allegations thereof except as said denial may be modified by its further answer herein.

IV.

Answering unto the fifth paragraph, respondent admits the demand and refusal therein alleged, but denies the remaining allegations of said paragraph.

V.

Answering the allegations of the sixth paragraph, respondent [45] denies that all and singular the premises are true in the second cause of action, but admits the jurisdiction of the Court.

And as a further and separate answer to the second cause of action, this respondent is informed and believes, and upon such information and belief al-

leges that the work and materials alleged to have been done and furnished to its said SS. "Hilonian," in accordance with the particulars of the item of Schedule 4 annexed to said libel, billed at \$146.88, was a part of the work and material agreed to be done and furnished under the original contract between libelant and respondent heretofore referred to in answer to the first cause of action, and that the work alleged to have been done in accordance with the particulars of the first item of said Schedule 4, billed at \$50.00, was not so done as alleged, but that said I. P. piston rod was only turned, and respondent is informed and believes and upon such information and belief alleges that the reasonable value of the turning of said I. P. piston rod was the sum of \$25.00.

That the labor and materials done and furnished to the said SS. "Hilonian," as particularized in the second and third items of Schedule 9 annexed to said libel, billed at \$60.00 and \$180.00, respectively, are improperly charged for the reason that the work and material of the same were covered and included and intended by the agreement of the parties to be covered and included in the first item of said schedule billed at \$900.00, and respondent is informed and believes and upon such information and belief alleges that \$900.00 is the reasonable and just value of all the said work and material covered by the particulars of said Schedule 9. [46]

That with the deduction as herein set forth of \$146.88 and \$25.00 respectively from Schedule 4, and \$60.00 and \$180.00 respectively from Schedule 9, respondent admits that under the second cause of

action there is due and owing to libelant the sum of \$3,890 as shown by said Schedules 4, 5, 6, 7, 8, 9 and 10 annexed to said libel.

And as a separate answer to both causes of action, respondent avers that the sum of \$535.76 has been paid to and credited by said libelant against the amount due and owing to it by said respondent, and that after making due allowance for said credit, there is due and owing to said libelant from said respondent under both causes of action not more than the sum of \$22,922.56.

That owing to the complicated nature of the inquiry, but using due diligence, respondent was unable to ascertain the amount herein admitted as being not more than the sum due and owing said libelant until the 30th day of April, 1910, and that immediately thereafter, to wit, on the 2d day of May, 1910, respondent did tender to the libelant in full settlement of its claim said full sum of \$22,922.56, which libelant refused to accept.

That attached hereto are interrogatories propounded to libelant under the Rule and Practice of this court.

All and singular the premises are true.

WHEREFORE, respondent prays that the Court may be pleased to pronounce against the libel aforesaid, and to [47] condemn the libelant in costs and otherwise right and justice to administer in the premises.

Dated San Francisco, Cal., May 10th, 1910.

MORRISON & BROBECK,
McCLANAHAN & DERBY,
Proctors for Respondent.

United States of America,
Northern District of California,—ss.

H. B. Gregg, being first duly sworn, on oath deposes and says: That he is the Secretary of the Matson Navigation Company, a corporation, respondent herein.

That he has read the foregoing answer of said respondent, knows the contents thereof, and that the matters and things therein set forth are true except as to such as are stated upon information and belief, and as to these he believes them to be true.

That this affidavit is made for and on behalf of respondent and is based in part upon the personal knowledge of affiant and in part upon information received from others.

H. B. GREGG.

Subscribed and sworn to before me this 13th day of May, A. D. 1910.

[Seal]

M. V. COLLINS,

Notary Public in and for the City and County of San Francisco, State of California. [48]

EXHIBIT 1.

SPECIFICATIONS FOR REPAIRS TO S. S.

“HILONIAN.”

1. Joints between air pump body and condenser, air pump body and valve chest, to be remade, first removing said air pump and testing joint faces and filing same to a true surface, before rejoining. Renew all studs, bolts and washers in connection with these joints.

Enlarge studs on air pump, joint to condenser.

2. Remove L. P. valve and face. Plane seats of both, replace seat and supply new fillister head bolts (best Tobin bronze)—(about 80 in number). Counter bore present bolt recesses and scrape valve to seat, after seat is bolted hard up. Use red lead paint in jointing seat to cylinder. (No putty.)
3. Remove present jacking worm wheel from main shaft. Make one new $\frac{1}{2}$ section, bolt sections together, bore same and key-seat, fitting all to the shaft, same as at present.
4. Make tight H. P. and L. P. guides for water circulation. They are arranged with steel plates at back secured by flush head screws. Place additional screws between present ones,—this will require removal of guides to shop. Test guides in presence of owners representative with about 30 pounds water pressure. If plates show tendency to spring, place about 8 or 10 screwed stays in each. Reconstruct H. P. and I. P. shoes, as directed.
5. Remetal H. P. and L. P. eccentric straps (4 in all) with best grade challenge metal. Bore and fit same to sheaves and lead all eccentric rods to satisfaction of owners representative. Bearing of each strap to be passed upon, before final bolting up.
6. H. P. cylinder bored out and ends counter-bored, if found necessary. Set bar to pre-

sent counter bores and check to guide before starting out. Make end fit new bull ring and piston rings.

7. A suitable wrought iron column with flanged feet, will be properly secured to under side of H. P. cylinder (port side) and carried down to #1 housing, being secured to same by body bound bolts where possible and tap bolts where fitted bolts cannot be placed. Column will be at least 6" in dia., no less.
8. Ream bolt holes in #2 coupling and fit new bolts (best Norway iron) after shafts are properly lined up.
9. Strip crank shafts and all reciprocating gear. Remove crank-shaft from ship, by cutting bulkhead abaft engine. Test shaft in lathe to representative's satisfaction and true up all main bearings in lathe. File housings where worn and bed to same, new shells (these will be supplied by ship). After shells are properly bedded they are to be bored out in place in perfect alignment. Test lines must be run through cylinders to check the bar, before boring each bearing (the size of each bearing [49] to be taken from shaft). After boring is finished shaft will be scraped and bedded to a perfect bearing and all liners and parting pieces fitted and secured in place. A Lloyds steel shaft gauge must be supplied and marked for each bearing (a sketch will be provided if requested). The gauges will touch shaft at

three points showing either vertical or side drift of shaft. The line shafting will be turned up to crank shaft and tail shaft and all spring bearings raised to their proper place. (Should spring bearings require re-metaling a separate price will be allowed for each.) The ship will be docked and stern bearing rewooded while tail shaft is drawn. Alignment of line shaft to be done after crank and tail jobs are finished. Thrust shaft to be removed from ship and bolted to crank shaft while latter is in lathe and collar on thrust shaft to be trued up. Thrust ring to be refitted after shafting is lined up. New wheel to be fitted to the satisfaction of owners representative.

10. Blow off cocks on skin of ship (two in number) removed and new cocks supplied and jointed to ship's side. All sea cocks and valves to be ground in while on dock and strainers removed, cleaned and painted. New valve stem and nuts supplied and fitted to main injection.
11. The valve chamber of circulating pump to be removed and a plate to take old studs fitted. This plate to have a suitable opening (10" dia.) to receive the discharge from new circulator and a support to meet the top of circulator pump body to which it must be properly fitted and secured.
12. Engine room tank tops cleaned of grease, scaled down to metal and covered with $\frac{3}{8}$ "

coat of bitumastic over bitumastic solution. Bitumastic cement to be covered with 2" of concrete ($1\frac{1}{2}$ best Portland cement and $1\frac{1}{2}$ sharp sand).

13. The bulkheads of fore and after peak tanks to be carefully tested, all loose or leaky rivets removed, seams caulked and new rivets driven and tanks made tight. Tanks to receive two coats of cement wash and be properly cleaned out after final test for tightness.
14. Windlass to be repaired, foc'sle head deck raised and stanchions put under as directed.
15. Ship to be docked, cleaned and painted, paint to be furnished by owners. [50]

EXHIBIT 2.

San Francisco, Cal., August 2, 1909.

Matson Navigation Co.,

Gentlemen,—

Sub. Repairs "Hilonian."

We hereby respectfully submit a figure of Eleven Thousand Seven Hundred Forty-nine (\$11,749.00) Dollars on the repairs to the above steamer, all to be in strict accordance with the specifications and further we guarantee to finish the work therein specified in Twenty-five (25) Calendar days from the date of delivery of vessel at our yard.

Respectfully submitted,

UNITED ENGINEERING WORKS,

Per H. P. GRAY, Sect. [51]

*In the District Court of the United States, in and
for the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,
Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

**Interrogatories Propounded to Libelant by
Respondent.**

INTERROGATORY 1.

Is not Exhibit 1 attached to this answer a true copy of the specifications referred to by the respondent in its answer to the first cause of action set forth in the libel? If not please state wherein Exhibit 1 differs from these specifications referred to in said answer upon which libelant submitted to the respondent its bid for \$11,749.00.

INTERROGATORY 2.

Is not Exhibit 2 a true copy of the bid referred to in respondent's answer to the first cause of action as set forth in the libel? If not, please state wherein said Exhibit 2 differs from the original of said bid referred to.

MORRISON and BROBECK,
McCLANAHAN & DERBY,

Proctors for Respondent.

Receipt of a copy of the within Answer of Re-

spondent is hereby admitted this 16th day of May, 1910.

NATHAN H. FRANK,
IRVING H. FRANK,
Proctors for Libelant.

[Endorsed]: Filed May 16, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [52]

*In the District Court of the United States, in and
for the Northern District of California.*

IN ADMIRALTY.

UNITED ENGINEERING WORKS, a Corporation,
Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Answer.

To the Honorable JOHN J. DE HAVEN, Judge of
the District Court of the United States, in and
for the Northern District of California.

Libelant excepts to the answer on file in the
above-entitled cause as follows:

I.

Excepts to Article II of said Answer in this, that
it is uncertain and not full and specified as in law
required, in that in said article said respondent "de-
nies that Schedules 1, 2 and 3 annexed to said libel
truly set forth the particulars of the value of said
materials and labor" without stating what particu-
lars are not truly set forth in said schedules, or

wherein any of said particulars fail to truly set forth the value of said materials and labor.

II.

Excepts to the allegations on pages 2 and 3 of said Answer respecting the alleged specifications and bid for work to be performed and materials to be furnished which said specifications and [53] bid are therein referred to as Exhibits 1 and 2 and also to the said Exhibits 1 and 2 and to the interrogatories to said Answer attached, upon the ground that each and all of said allegations, exhibits and interrogatories are immaterial and constitute no defense to said libel.

III.

Excepts to the following allegation of said libel upon the ground that it is uncertain and not full and specific, as in law required, in this, that it fails to state what the said "certain supplies, work and materials" therein referred to are, or to give any schedule thereof or of the values thereof, to wit: "That after said work and materials had been done on and furnished to said SS. 'Hilonian,' and during the months of September and October, 1909, said libelant did furnish to said respondent's said steamship certain supplies, work and materials without any agreement as to the price to be paid therefor, which said supplies, work and material were of no greater value than the sum of \$937.07; and respondent is informed and believes and upon such information and belief alleges that said supplies, work and material were of less value than the said sum of \$937.07, and respondent expressly reserves the right

of proving, at the trial of this cause, the value of the supplies, work and materials furnished during said months of September and October referred to in the foregoing paragraph.”

WHEREFORE, said libelant prays that said immaterial matter be stricken from said answer, and that said respondent be ordered to furnish further particulars with respect to said matters in said exceptions referred to.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Libelant. [54]

Receipt of a copy of the within Exceptions to Answer is hereby admitted this 23d day of May, 1910.

McCLANAHAN & DERBY,

Proctors for Respondent.

MEMORANDUM: This was left in the office of McClanahan & Derby on May 21st, 1910.

NATHAN H. FRANK.

[Endorsed]: Filed May 23, 1910. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [55]

[Minute Order Denying Motion to Strike Exceptions to Answer, Allowing First Exceptions in Part and Overruling Remaining Exceptions, etc.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Saturday,

the 28th day of May, in the year of our Lord one thousand nine hundred and ten. Present: The Honorable GEORGE DONWORTH, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The motion to strike exceptions to answer herein from the files and the hearing of said exceptions this day came on for hearing, S. H. Derby, Esqr., appearing for motion to strike out and in opposition to said exceptions, and Nathan H. Frank, Esq., appearing against said motion to strike out and for said exceptions. After hearing argument, by the Court ordered that said motion to strike exceptions from the files be, and the same is hereby denied. Further ordered that the first exceptions be, and the same are hereby allowed in part and as to the remaining exceptions the same be overruled, the Court announcing that it would prepare and file its order as to the allowing and overruling of said exceptions. Further ordered that respondent be, and it is hereby allowed twenty days in which to amend its answer herein.

[Chamber Order Denying Motion to Strike Exceptions to Answer, Allowing First Exceptions in Part and Overruling Remaining Exceptions, etc.]

*In the District Court of the United States, for the
Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion.

Libelant,

VS.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Respondent.

Libelant having heretofore excepted to certain parts of the answer herein, and respondent having moved to strike said exceptions from the files, and said motion and the said exceptions having been duly argued before the Court and submitted,

IT IS NOW ORDERED.

1. That said motion to strike said exceptions from the files is hereby denied.

2. That said exceptions are adjudged valid in part only, namely, as to Article (or paragraph) II on the first page of said answer, which said article or paragraph is hereby found to be insufficient and indistinct, and said respondent is hereby ordered, within 20 days from the entry of this order, to amend said article or paragraph so that the same will state definitely which of the items of material and labor (mentioned in the third paragraph of libelant's al-

leged first cause of action and in the schedules therein referred to and annexed to the libel herein) respondent admits the libelant furnished or performed for the steamer "Hilonian," and which of said items respondent denies the libelant furnished or performed for said steamer, but respondent may, where it has no knowledge as to the particulars set forth in said schedules, so state, without the necessity of either a denial or admission. [57]

It is not intended hereby to require respondent to make its answer any more definite than heretofore, so far as concerns the value or alleged value of any of said items.

3. Except as heretofore ordered, the exceptions to the answer are disallowed.

Dated San Francisco, Calif., May 28th, 1910.

GEORGE DONWORTH,
Judge.

[Endorsed]: Filed May 31, 1910. Jas. P. Brown,
Clerk. By Francis Krull, Deputy Clerk. [58]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Amendment to Answer.

Now comes the respondent herein pursuant to order of Court, made on the exceptions of libelant to respondent's answer heretofore filed, dated May 28th, 1910, and amends its said answer as follows:

By striking out the words and figures of paragraph II of said answer and in lieu thereof inserting the following:

II.

Answering the allegations of the third paragraph, in so far as the Schedules 1, 2 and 3 referred to therein particularize materials furnished and labor performed on the said SS. "Hilonian," and the value thereof, this respondent is without knowledge, information or belief sufficient to make answer thereto, and on that ground calls for proof of same. As to the particulars set forth in said schedules other than the enumeration of materials and labor and value, this respondent admits that between the months of July and December, 1909, the following was done by the libelant towards the altering, equipping and repairing of said SS. "Hilonian": [59]

Renewed part of #4 tank tops on port side. Cut 3 holes in bottom of ship to facilitate the cleaning of #4 tank. Patches riveted over holes. 2-21½" sounding pipes supplied and fitted in #3 and #4 tanks. Secured angle iron bars in shaft alley for new flooring support. Supplied and fitted 4 new sheet iron guards for shaft couplings in shaft alley. Renewed floor plates and supports at back of engine partly. Raised floor plates over shaft and new angle

bars supports fitted. Refitted and repaired hand rails around L. P. valve motion on I. P. and H. P. engines. Repaired 2 sets iron guards for H. P. and L. P. crank pits. Patched bulkhead on port side of L. P. valve motion and division plate in filter tank. Reflanged H. P. Ecc. slush pan drain holes cut in same and plug fitted. Supplied and fitted sheet iron cover for turning engine. Supplied and fitted new Galv. iron casing for turning gear. Supplied and fitted new galv. iron slush pan for L. P. Ecc. Brackets for oil container made and fitted to bulkhead. Container and tray fitted with lugs and secured to brackets. Lagging cut away between boilers in engine room. Scaled and cleaned combustion chambers sides and backs and tube sheets of boilers. Supplied and fitted 2-3/4" new style try cocks. Lagging on main boilers repaired and partially renewed. Made and fitted one main stop valve stem and 2 W. iron handles. Made 2 main and 2 donkey check valve discs and one seat. Made and fitted 2 valve discs, seat, yoke, stem and nut for Aux. steam line over boilers. Supplied and fitted strap hangers on feed lines. Drilled and tapped 2 holes in donkey boiler shell for low water cocks. Overhauled and re-installed damper in main stack and new handle fitted to same. Supplied and fitted one extra stanchion support under lower flange on after end of stack. Made 2 letters M. of galv. iron and secured same to [60] main stack. Smokestack guys, shackles, etc., overhauled and repaired. Made and fitted one ladder from main to 'tween deck. Made and fitted one ladder from 'tween deck to lower hold.

Forged one clamp for broken stanchion on rail and fitted same. Riveted and bolted stanchions as directed. Removed one stanchion, new foot welded to same and re-riveted. Forged and fitted 10 eye-bolts in hatch coamings. Supplied bolts, nuts, washers and plates for hatch coamings. Supplied and secured plates around stern frame and line plates around stern tube boss. Bored out rudder head block. Made and fitted new brass liner for same. Made and fitted steel collar to same. Bored out gudgeons on rudder post, made and fitted new brass bushing to gudgeons and bushings bored to fit pintles. New pintles with brass liners made and fitted. Made and fitted new locking pintle with nut and button. Trued up keyway in new propeller hub. Made one propeller blade wrench. Overhauled steering gear eng. rods and couplings. Gears refitted with taper pins and oiling devices attached. Made and fitted one brass strainer for main Injection with new bolts. Made and fitted 3 W. Iron plate strainers for aux. suction. All sea suction valves drilled and tapped, nipples and valves inserted and connected to stm. line. Chipped one inch off each propeller blade and trimmed same up. Altered and repaired pipes to engine room tank manifolds, made and fitted strap supports for same. Made and fitted new 4" vapor line with flanges from evaporator to main condenser, new hangers fitted. Run 2½" gal. suction line from bottom blow to fire pump. Holes cut in one frame and floor plate to run this line. Copper pipes connected using new joints, bolts, etc. Renewed fittings on whistle line above umbrella. Size

of hole in lagging around H. P. relief valve increased. Altered and repaired lagging on L. P. receiver. [61] Removed forward bilge pump body studs renewed and studs replaced. Made and fitted one C. iron bonnet for forward line pump. Bored out air pump links made and fitted new parting pieces planed off brasses, made new locking collars, shortened binder bolts, trued up pins and refitted. Face off flange of air pump floating top, made and fitted holding lugs for pump barrel, made and fitted new bronze tap bolts for same. Made and fitted brass bushing for pump cover. Removed circulating pump barrel to shop and faced off. Made and fitted new cast iron gland for old circ. pump plunger. Made 2 brass links and one cross head for sanitary pump. Thrust shaft couplings faced off. Bearing trued up and shaft turned down at each end of thrust collars. Chipped and filed ribs at each end of thrust box, drilled holes in same and studs fitted. Made and fitted 2 brass stuffing boxes complete to thrust box. Portion of shaft alley bulkhead cut out, removed one length of intermediate shaft to shop, forward coupling faced and bearing trued up. All other int. shaft bearings trued up in place. Coupling bolt holes in Int. shafting reamed out. 9 bolts renewed and fitted. Water service for thrust reconstructed. I. P. Crpin brasses re-metaled, bore out and re-bedded. Horse-shoes planed off on sides. Planed off main journal binders on sides and bottom, hand holes enlarged and holes plugged. Made and fitted 12 Norw. iron holding down bolts for spring bearing and thrust box. H. P. and I. P. valves removed for examination,

cleaned, oiled and replaced. Crosshead yokes of H. P. and L. P. valves removed to shop. Brasses bored and planed and yokes filed off. New Gibs made and fitted to brasses, all parts refitted and valves reset. L. P. Piston and follower faced off on ring packing bearing faces. Lengthened spare L. P. valve stem. Made new nut for valve. Removed lower head off I. P. valve [62] chest to shop and drilled for $1\frac{1}{2}$ drain plug. Holes drilled in ribs of cover. Made and fitted $1\frac{1}{2}$ brs. drain plug to I. P. valve chest cover. Made and fitted 4 brass parting pieces for L. P. eccentric straps. Made and fitted iron distance pieces for H. P. Ecc. rods. Made and fitted brs. neck bushing in L. P. valve chest. Guide brasses of L. P. valve stem bored out and refitted. Renewed and fitted L. P. cut off screw to block, block supplied with locking nut and washer. Made wrench for locking nut of same. Planed off parting pieces of I. P. crosshead and made new shims for same. Repaired and refitted crosshead oil cups, 6 holes drilled in crosshead binders. Made and fitted Ecc. strap and sheave for turning engine and renewed all bolts, nuts and washers for same. Supplied new dowels and set screws for main journal and crankpin locking collars. Overhauled all throttle, reversing, passover and drain rods, supplied new pins and refitted same. Connected up all cylinder drains using new jointings, bolts, nuts and washers. Supplied and fitted $1\frac{1}{2}$ brs. nipple and Lunkenheimer globe valve to drain on main steam line. Made and fitted new brass water service to guides with galv. drains and reconnected all water service lines in engine room and shaft alley.

Made one new crankpin wrench. Repaired old cross-head wrench as directed. Renewed aft beam center housing and refitted brasses in both housings. Chipped forward patch on #3 housing. Tested all bolts and rivets in patches on #3 housing, made and fitted 2 new bolts and nuts in same. Made and fitted stm. gauge boards in engine and fire rooms, connected up gauges. Tested 3 steam gauges, supplied 2 stm. and 1 Ammonia gauges. Made and fitted new bonnet compl. for main injection valve. Engine room tank manifolds removed to shop and bored out. Made and fitted new brs. valve seats and discs for same. Supplied one oil cup for [63] Howden draft fan engine. Supplied one Challenge metal ring casting. Made and fitted straps for hanging spare horse-shoe and 2 adjusting nut wrenches. Made 4-1 $\frac{1}{4}$ bolts, nuts and washers for holding down brasses in place. Made 2 swivel eye bolt strong backs for handling main bearing crown brasses. Drilled holes and made eye bolts and fitted under cylinder for handling. Removed patch between cylinders, chipped and faced joints, renewed patch and replaced lagging. Filed up beam centers and drag link pins. Put new asbestos tape under all syl. heads and L. P. valves chest cover. Overhauled revolution counter and all rods and levers of same. Joints between air pump body and condenser, joints between air pump body and valve chest were re-made, the pump was removed and joints faces were tested and all filed to a true surface before rejoining all, bolts and washers of these joints were renewed, enlarged studs on air pump, corrugated gasket placed in joints. Made a 12" balance

cylinder completed with piston, bull ring, rings etc., and fitted over L. P. valve. Chipped and faced L. P. valve on top, made and fitted a square washer and a locking nut on the valve. Lengthened the valve stem and finished in lathe, installed the above complete in vessel with the necessary pipe connections, etc. Removed the high pressure and low pressure shoes, cast and finished new ones which were lined with challenge metal. Made and fitted new plates to guides. Removed the L. P. straps and bored same out to suit eccentric sheaves, the top halves were pocketed and babbitted and refitted same aboard ship. Turned up sheaves were turned up and 2 new bolts and nuts were made and fitted. Bored out the high pressure cylinder and counterboard, cast, finished and fitted new bull rings. Cast, finished and fitted a manganese bronze patch of average 1" section to #1 housing. Bolt holes in #2 coupling [64] were reamed out and new bolts fitted of Norway Iron. Bearings of the crankshaft were filed up and oil stoned by hand. Removed the blow off cocks on skin of ship, and supplied new cocks and installed same. All sea valves re-ground and all strainers were removed and cleaned while in dock. Made new valve stem and nut and fitted same to main injection valve. Removed valve chamber of circulating pump and fitted plate under same to take old studs fitted. Made 12 stake wedges, 6 scaling bars, 2 brine cocks and 2 wrought iron wrenches to fit brine cocks. Supplied 2 comp. grease cups. Supplied 1 piece of iron $\frac{7}{8} \times 4 \times 6$. Forged and finished one key. Retempered 2 safety valve springs. One bronze valve stem turned up.

Made one steel forging for valve bonnet and fitted same to bonnet. Fitted 2 coupling bolts and chased the threads in nuts for same. Made 1 L. P. follower. Made one set H. P. piston rings.

As to the other particulars of alterations, equipment and repairs referred to in said schedules, not hereinabove admitted to have been done, respondent is without knowledge, information or belief sufficient to make answer thereto, and on that ground calls for proof of same.

Dated June 17th, 1910.

McCLANAHAN & DERBY,
Proctors for Respondent. [65]

United States of America,
Northern District of California,—ss.

H. B. Gregg, being first duly sworn, on oath deposes and says: That he is the Secretary of the Matson Navigation Co., a corporation, respondent herein.

That he has read the foregoing amendment to the answer of respondent heretofore filed herein, knows the contents thereof, and that the matters and things therein set forth are true except as to such as are stated upon information and belief, and as to these he believes them to be true.

That this affidavit is made for and on behalf of respondent, and is based in part upon the personal knowledge of affiant and in part upon the information received from others.

HARRY B. GREGG.

Subscribed and sworn to before me this 17th day of June, 1910.

[Seal]

CHARLES EDELMAN,

Notary Public in and for the City and County of San Francisco, State of California.

My Commission expires April 9, 1914.

Receipt of a copy of the within Amendment to Answer is hereby admitted this 17th day of June, 1910.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Libellant.

[Endorsed]: Filed Jun. 17, 1910. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [66]

In the District Court of the United States, in and for the Northern District of California.

IN ADMIRALTY—No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,

Libellant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Amended Answer.

To the Honorable JOHN J. DE HAVEN, Judge of the District Court of the United States, for the Northern District of California.

United Engineering Works, libellant, hereby excepts to the answer, as amended, of Matson Naviga-

tion Co., a corporation, respondent, and particularly unto the amendment to said answer filed on the 17th day of June, 1910, upon the ground that said amendment is not a compliance with the order of the Court heretofore made on the 20th day of May, 1910, and that the same does not answer fully, or specifically, or distinctly to the matters in said third paragraph of the libel alleged, nor in the manner required by said order, but that the said amendment is an evasion of said order of this Court.

WHEREFORE, said libelant prays that said respondent be ordered to furnish further particulars with respect to said matters as in said order provided, and for such other and further relief in the premises as said libelant may be justly entitled to.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Libelant. [67]

Receipt of a copy of the within Exceptions to Amended Answer is hereby admitted this 21st day of June, 1910.

McCLANAHAN & DERBY,

Attorneys for Respondent.

[Endorsed]: Filed Jun. 21, 1910. Jas. P. Brown,
Clerk. M. T. Scott, Deputy Clerk. [68]

*In the District Court of the United States, in and
for the Northern District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libelant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Interrogatories Propounded to Respondent.

INTERROGATORIES PROPOUNDED TO
MATSON NAVIGATION CO., RESPOND-
ENT, IN THE ABOVE-ENTITLED
CAUSE.

FIRST INTERROGATORY:

Did you not have a superintendent and time-keeper on board the said steamship "Hilonian" during the progress of the work referred to in the libel, and if so, give his name.

SECOND INTERROGATORY:

Did you not have two engineers on board the said steamship "Hilonian" during the progress of the work referred to in said libel, who were directing and superintending the work then being performed on said vessel by said libelant, and if so, give the names of said engineers.

THIRD INTERROGATORY:

Did you not have two men on board said steamship "Hilonian" during the progress of said work

referred to in said libel, who were overseeing the said work and checking it up?

FOURTH INTERROGATORY:

Have you not in your possession a time book, or a copy of the time-book, kept by your said time-keeper on board said steamship "Hilonian" during the progress of the work referred to in said libel? If so, append a copy of said time-book kept by said time-keeper to your answers to these interrogatories. [69]

FIFTH INTERROGATORY:

Did not the said libelant previous to January 14th, 1910, deliver to you a copy of the exhibits attached to said libel and numbered 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10?

SIXTH INTERROGATORY:

Did you not submit the said exhibits referred to in the fifth interrogatory, or cause said exhibits to be submitted to your time-keeper E. L. Putzar for his examination and approval before action was brought in this cause, and did not the said Putzar then and there go over the said exhibits and approve the same as correct?

SEVENTH INTERROGATORY:

Did you not submit Exhibits 1, 2 and 3, attached to said libel, or cause said exhibits to be submitted to your said time-keeper Putzar for his examination and approval, and did he not then examine the same and approve the said exhibits as correct?

EIGHTH INTERROGATORY:

Did you not submit the said exhibits referred to

in the fifth interrogatory, or cause said exhibits to be submitted to your other engineer employed on board said steamer "Hilonian" during the time of said repairs for his examination and approval before action was brought in this case, and did not the said other engineer then and there go over the said exhibits and approve the same as correct?

NINTH INTERROGATORY:

Did you not submit Exhibits 1, 2 and 3, attached to said libel, to your other engineer for his examination and approval, and did said other engineer not then examine the same and approve the said exhibits as correct?

TENTH INTERROGATORY:

If you shall say that such exhibits were not submitted to said engineers, or either of them, did you not receive a report from one or both of said engineers regarding the correctness of said charges, and if so, append a copy of said reports to your answers to these interrogatories.

ELEVENTH INTERROGATORY:

Referring to the allegations of said answer on page 3, lines 1 to 6, inclusive, which said allegations are as follows: "That during the progress of said work it was mutually agreed that certain omissions, modifications and changes in said specifications and the work to be performed under said contract should be made, and the same were made and omitted without an agreement between the parties as to the value of said omissions, changes and modifications," name in detail those certain omissions, modifications [70]

and changes in said specifications so made as in said article alleged.

TWELFTH INTERROGATORY:

Referring to the allegations of your said answer on page 3, lines 7 to 12, inclusive, which said allegations are as follows: "That certain work and materials were also furnished to said steamer by said libelant during said period of time between August 23d to September 25th, 1909, in addition to the work and materials called for by said contract, and for which no price was agreed upon other than that the same would be compensated for at its just and reasonable value," state in detail what that certain work was and what those certain materials were that were so furnished to said steamer by said libelant as in said allegations alleged.

THIRTEENTH INTERROGATORY:

Referring to the allegations in your said answer on page 3, lines 13 to 18, inclusive, which said allegation is as follows: "That respondent is informed and believes and upon such information and belief alleges that the just and reasonable value of the work and materials omitted as aforesaid by agreement of the parties from the original contract as aforesaid is the sum of \$1,398.25, and of the additional work and materials furnished as aforesaid the sum of \$8,280.50," give the itemized details which make the said sum of \$1,398.25, and give the itemized details which make the said sum of \$8,280.50.

FOURTEENTH INTERROGATORY:

Referring to the allegations of your said answer

on page 3, lines 19 to 31, inclusive, which said allegations are as follows: "That after said work and materials had been done on and furnished to said steamship 'Hilonian' and during the months of September and October, 1909, said libelant did furnish to said respondent's said steamship certain supplies, work and materials without any agreement as to the price to be paid therefor, which said supplies work and material were of no greater value than the sum of \$937.07, and respondent is informed and believes, and upon such information and belief alleges that said supplies, work and material were of less value than the said sum of \$937.07, and respondent expressly reserves the right of proving at the trial of this cause the value of the supplies, work and materials furnished during said months of September and October referred to in the foregoing paragraph," give the items of the supplies, work and materials in said allegation referred to, together with the value which you are informed and believe was the true value of each of said items of supplies, work and materials therein referred to.

FIFTEENTH INTERROGATORY:

Referring to the allegation on page 4, lines 1 to 3, of your said answer, which said allegation is as follows: "That the total amount due and owing to the libelant under the first cause of action herein aggregates not more than the sum of \$19,568.32," give the items together with the values which together aggregate the said sum of \$19,568.32 and upon which said allegation is based. [71]

SIXTEENTH INTERROGATORY:

Referring to the allegation of your answer on page 6, lines 8 to 14, inclusive, which said allegation is as follows: "And as a separate answer to both causes of action, respondent avers that the sum of \$535.76 has been paid to and credited by said libelant against the amount due and owing to it by said respondent, and that after making due allowance for said credit, there is due and owing to said libelant from said respondent under both causes of action not more than the sum of \$22,922.56," and also referring to the further allegation on page 6 of said answer, lines 19 to 22, that "On the 2d day of May, 1910, respondent did tender to the libelant in full settlement of its claim said full sum of \$22,922.56 which libelant refused to accept," give the items and their value which constitute said credit of \$537.76, and give the items, together with their value, which made up said amount of said alleged tender, to wit, the said sum of \$22,922.56.

NATHAN H. FRANK,
IRVING H. FRANK,
Proctors for Libelant.

Receipt of a copy of the within Interrogatories is hereby admitted this 21st day of June, 1910.

McCLANAHAN & DERBY,
Attorneys for Respondent.

[Endorsed]: Filed Jun. 21, 1910. Jas. P. Brown,
Clerk. By M. T. Scott, Deputy Clerk. [72]

*In the District Court of the United States, in and
for the Northern District of California.*

UNITED ENGINEERING WORKS, a Corpora-
tion,

Libellant,

vs.

MATSON NAVIGATION CO., a Corporation,
Respondent.

Exceptions to Libellant's Interrogatories.

To the Honorable JOHN J. DE HAVEN, Judge
of the District Court of the United States, in
and for the Northern District of California:

Comes now the Matson Navigation Company, re-
spondent herein, and hereby objects and excepts to
the interrogatories propounded by the libellant
herein served on respondent on June 21st, 1910, upon
the ground that the said interrogatories are not al-
lowable under the provisions of the twenty-third
admiralty rule of the Supreme Court of the United
States.

WHEREFORE, respondent prays that it be not
required to answer said interrogatories and that
the same may be stricken from the files.

Dated: June 22, 1910.

MORRISON & BROBECK,

Per S. H. D.

McCLANAHAN & DERBY,

Proctors for Respondent.

Receipt of a copy of the within exceptions is hereby admitted this 22d day of June, 1910.

NATHAN H. FRANK,

IRVING H. FRANK,

Proctors for Libelant.

[Endorsed]: Filed Jun. 22, 1910. Jas. P. Brown, Clerk. By M. T. Scott, Deputy Clerk. [73]

[Order of Submission of Exceptions to Amended Answer and Exceptions to Libelant's Interrogatories.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Tuesday, the 6th day of September, in the year of our Lord one thousand nine hundred and ten. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The exceptions to the amended answer herein and the exceptions to libelant's interrogatories, this day came on for hearing, Nathan H. Frank, Esqr., appearing as proctor for libelant and E. B. McClanahan, Esqr., appearing as proctor for respondent, and after hearing argument, by the Court ordered that

said exceptions be, and the same are hereby submitted to the Court for decision. [74]

**[Order Restoring Exceptions to Amended Answer
and Exceptions to Libellant's Interrogatories to
Calendar.]**

*In the District Court of the United States, Northern
District of California.*

No. 15,013.

UNITED ENGINEERING WORKS, a Corporation,
vs.

MATSON NAVIGATION COMPANY, a Corpora-
tion.

ORDERED that the submission of the exceptions to amended answer and exceptions to libellant's interrogatories, be, and the same is hereby set aside and said exceptions be restored to the calendar for hearing November 14, 1910, to be set.

Dated November 7, 1910.

JOHN J. DE HAVEN,
Judge.

[Endorsed]: Filed Nov. 7, 1910. Jas. P. Brown,
Clerk. By Francis Krull, Deputy Clerk. [75]

[Order Resubmitting Exceptions to Amended Answer and Exceptions to Libelant's Interrogatories.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Monday, the 5th day of December, in the year of our Lord one thousand nine hundred and ten.
Present: The Honorable R. S. BEAN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The exceptions to the amended answer herein and the exceptions to libelant's interrogatories, this day came on for hearing, N. A. Frank, Esqr., appearing for libelant and E. B. McClanahan, Esqr., appearing for respondent. After hearing argument by the Court ordered that said exceptions be, and they are hereby submitted to the Court for decision. [76]

[Order Overruling Exceptions to Amended Answer and Exceptions to Libelant's Interrogatories.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Monday, the 19th day of December, in the year of our

Lord one thousand nine hundred and ten.

Present: The Honorable R. S. BEAN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The exceptions to the amended answer herein, having been heretofore submitted to the Court for decision, now, after due consideration had thereon, by the Court ordered that said exceptions be, and the same are hereby overruled, on the ground that the amended answer is a substantial compliance with the order of Judge Donworth made herein on sustaining exceptions to the answer herein.

The exceptions to libelant's interrogatories herein, having been heretofore submitted to the Court for decision, now, after due consideration had thereon, by the Court ordered that said exceptions be, and the same are hereby overruled. [77]

[Order Allowing Libelant Until March 10, 1911, to File Points and Authorities in Reply to Petition for Rehearing of Exceptions to Libel, etc.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Thursday, the 2d day of March, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

By the Court ordered that libelant herein have until and including March 10, 1911, within which to file points and authorities in reply to respondent's petition for a rehearing of exceptions to libel, and thereupon said petition for rehearing stand submitted. [78]

[Order Directing Filing of Order on Petition for Rehearing of Exceptions to Interrogatories, and Granting Said Petition.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 3d day of May, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION CO.

The petition for rehearing of exceptions to interrogatories propounded by libelant herein, having been heretofore submitted to the Court for decision,

now by the Court ordered that the order of the Honorable R. S. Bean, United States District Judge, to whom this petition was submitted, be filed, and in accordance with said order the said petition for a rehearing be, and the same is hereby granted. [79]

[Order Allowing Petition for Rehearing of Exceptions to Interrogatories, Vacating Order Overruling Exceptions, etc.]

In the District Court of the United States for the Northern District of California.

No. 15,013.

UNITED STATES ENGINEERING WORKS, a
Corporation,

Libelant,

vs.

MATSON NAVIGATION COMPANY, a Corpora-
tion,

Respondent.

**Memorandum Opinion Granting Petition for
Rehearing of Exceptions.**

A petition for rehearing on the order heretofore made overruling respondent's exceptions to interrogatories of the libelant propounded herein having been filed, and the Court, having examined such petition and the written arguments of counsel, is of the opinion that since the question presented requires a construction of the Admiralty rules of the Court and involves an important question of prac-

tice, the matter should be reheard.

IT IS THEREFORE ORDERED that the petition for rehearing be and the same is hereby allowed; that the order heretofore entered overruling the exceptions be, and the same is hereby vacated and set aside, and that the matter stand for hearing the same as if no previous order had been made in the premises.

R. S. BEAN,
Judge.

Dated this 1 day of May, 1911.

[Endorsed]: Filed May 3, 1911. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [80]

[Order of Submission of Exceptions to Libelant's Interrogatories on Rehearing.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Friday, the 2d day of June, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

Counsel for the respective parties being present, by the Court ordered that the exceptions to libelant's interrogatories herein be, and the same are hereby submitted to the Court for decision upon the briefs on file, and that libelant be, and is hereby allowed five days in which to file a further brief if so advised. [81]

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 14th day of June, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

Order Sustaining Exceptions to Interrogatories.

The exceptions to libelant's interrogatories herein, having been heretofore submitted to the Court for decision, now, after due consideration had thereon, the Court files its written memorandum opinion, and by the Court ordered that said exceptions be, and the same are hereby sustained. [82]

*In the District Court of the United States, Northern
District of California.*

UNITED ENGINEERING WORKS,

Libellant,

vs.

MATSON NAVIGATION COMPANY,

Respondent.

**Opinion Sustaining Respondent's Exceptions to
Libellant's Interrogatories.**

DE HAVEN, District Judge.

In my opinion, under rule 23, Admiralty rules of practice of the Supreme Court of the United States, the respondent's exceptions to libellant's interrogatories must be sustained, and it is so ordered.

[Endorsed]: Filed Jun. 14, 1911. Jas. P. Brown, Clerk. By Francis Krull, Deputy Clerk. [83]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 21st day of June, in the year of our Lord one thousand nine hundred and eleven. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

**Order Referring Cause to Jas. P. Brown, U. S.
Commissioner to Take Evidence.**

N. A. Frank, Esqr., proctor for libelant and Messrs. McClanahan & Derby, proctors for respondent, being present in open court and consenting thereto, by the Court ordered that this cause be, and the same is hereby referred to Jas. P. Brown, United States Commissioner, to take the evidence of the respective parties and to report the same to the Court. Libelant to have to and including August 15, 1911, in which to put in its evidence, and respondent to have to and including August 25, 1911, to close its evidence, and libelant to have until September 1, 1911, to put in its evidence in rebuttal. [84]

[Minutes—September 16, 1912—Hearing.]

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Monday, the 16th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

This cause this day came on for hearing, Nathan H. Frank, Esq., appearing for libelant and E. B. Mc-

Clanahan, Esq., appearing for respondent. Mr. Frank then argued the cause to the Court and pending argument by the Court ordered that the further hearing of this cause be continued until to-morrow at 10 o'clock A. M. [85]

**[Minutes—September 17, 1912—Hearing
(Resumed).]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Tuesday, the 17th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The further hearing of this cause was this day resumed, E. B. McClanahan, Esq., arguing the cause for respondent, and pending said argument the further hearing was continued until to-morrow at 10 o'clock A. M. [86]

**[Minutes—September 18, 1912—Hearing
(Resumed).]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 18th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The hearing of this cause was this day resumed. Argued by E. B. McClanahan, Esq., for respondent, and Nathan H. Frank, Esq., for libelant, and pending argument by the Court ordered that the further hearing be continued until to-morrow at 10 o'clock A. M. [87]

**[Minutes—September 19, 1912—Hearing
(Resumed).]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Thursday, the 19th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The further hearing of this cause was this day resumed. Nathan H. Frank, Esq., continued his argument for libelant, and pending said argument by the Court ordered that the further hearing of this cause be and the same is hereby continued until to-morrow at 10 o'clock A. M. [88]

**[Minutes—September 20, 1912—Order of
Submission.]**

At a stated term of the District Court of the United States of America for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Friday, the 20th day of September, in the year of our Lord one thousand nine hundred and twelve. Present: The Honorable JOHN J. DE HAVEN, Judge.

#15,013.

UNITED ENGINEERING WORKS

vs.

MATSON NAVIGATION COMPANY.

The further hearing of this cause was this day resumed and arguments concluded by respective counsel, and thereupon by the Court ordered that said cause be and the same is hereby submitted to the Court for decision. [89]

Testimony.

Tuesday, August 15th, 1911.

[Testimony of Harry V. Gregg, for Libelant.]

HARRY V. GREGG, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Gregg, you are the secretary of the company, are you not? A. I am.

Q. You are the one that was sworn to the answer in this case? A. Yes.

Q. You understand that Mr. Diericx is an officer of the company? A. Yes.

Q. What position does he hold?

A. Assistant general manager.

Q. In this answer, Mr. Gregg, you have sworn to certain details respecting this bill, and I call your attention to the allegation "that respondent is informed and believes, and upon such information and belief alleges that the just and reasonable value of the work and materials omitted as aforesaid by agreement of the parties from the original contract as aforesaid is the sum of \$1,398.25, and of the additional work and materials furnished as aforesaid the sum of \$8,280.50." Where are the details from which you made up those figures?

A. I cannot answer that right offhand. It has been some time since I put that in, and I do not remember just where I got the details.

Q. Well, you saw the details before you put this in.

A. I had to have it before me, yes, in order to get these figures, I must have had, or else it was told to me by somebody that had the details, or else it was

(Testimony of Harry V. Gregg.)

made up probably by the superintending engineer.

Q. Well, have you no recollection about this at all now, how [90*—2†] you got those figures?

A. No, I don't remember exactly how that was done.

Q. You say "exactly."

A. What was the date of that?

Q. I will get the date of it for you. That is May the 13th, 1910.

A. No, I do not remember just how I got those figures because I have not looked at that since signing that.

Q. Well, did you make up the figures yourself?

A. No, I did not. Those figures were supplied to me by some one; just who it was I can't say.

Q. Well, can't you refresh your recollection upon the subject?

A. Not without going into the thing. You see that has been a year and over, and I have not looked at it or paid any attention to it; I have been busy with other things, and I have not paid any attention to this from that time to this.

Q. So now you do not know whether you figured that out yourself?

A. I honestly do not remember just how I did get these figures.

Q. Don't you remember anything at all about the preparation for this answer of the details of this answer?

*Page-number appearing at foot of page of certified Transcript of Record.

†Original page-number appearing at foot of page of Testimony as same appears in Certified Transcript of Record.

(Testimony of Harry V. Gregg.)

A. Of course they must have been made up by some one, in order to get them; at the time I signed them I must have looked over the figures and thought they were correct; but just exactly what it was, you ask me right offhand a year and a half after, I can't remember now.

Q. Haven't you any recollection on the subject at all?

A. No, I have not. I could probably look the thing up and dig into it and find out how I got it.

Q. How long will it take you to do that?

A. I don't know; I will have to find out where I got the figures, the person whom I may have gotten them from. [91—3]

Q. Who would you probably get them from?

A. I may have gotten them from Captain Saunders or the chief engineer at the time, or they may have been supplied by the attorneys.

Q. Didn't you preserve any of the detail by which that was gotten up?

A. No, I have not preserved them.

Q. If it was supplied to you, have you any recollection at all of how it was supplied to you—if it was supplied to you?

A. I can't remember just how I did get it, no.

Q. It seems, Mr. Gregg, that you ought to have some recollection.

A. You see there has been so many things come in between there, Mr. Frank—we have had all kinds of things down at the office.

Q. I know.

(Testimony of Harry V. Gregg.)

A. As far as I am concerned, I have kind of lost track of it.

Q. Well, didn't you consider it an important matter at that time? A. I certainly did.

Q. Sufficient to impress your memory somewhat?

A. At that time it was brought before me and I was satisfied myself that it was correct, and I simply let it go out of mind.

Q. How did you satisfy yourself?

A. I do not remember how I did; I would not have signed it if I had not.

Q. You do not remember? A. No.

Q. Do you recollect anything at all about the different items of this answer by which you arrived at the different figures to which you have verified in this answer?

A. No, I have lost track of those amounts.

Q. You have lost track of every detail connected with them?

A. Right here, yes, without refreshing memory or going into the [92—4] thing in detail—I could not remember figures for a year and a half without looking at them.

Q. It is not a question of remembering the figures. I am asking you now for the circumstances connected with it which would, by means of which you arrived at those figures, independent of the figures themselves.

A. There are two or three different ways I may have got these figures; they might have been furnished by the superintending engineer or by the port

(Testimony of Harry V. Gregg.)

warden, chief engineer—we were all busy at the time with them,—and they may have been supplied by the attorneys; but at the time I was reasonably certain that they were correct and I signed them to that effect.

Q. That is, you were certain because somebody told you that those were correct?

A. I was led to believe, in checking them over, etc.,—I was satisfied that they were correct, or else I would not have signed them.

Q. Have you no data remaining in your office concerning this matter at all?

A. We may have. I don't remember, as I say off-hand whether I have or not.

Q. Then, if I understand you correctly, Mr. Gregg, you have no recollection now of any detail regarding this matter and it is quite as likely that the figures were furnished to you by the attorneys and you accepted them as it is with any detail so given to you?

A. It is possible. As I say, that was done last May, we will say, and from that time to this I have not looked over that or paid any attention to it, and I can't come up right here offhand and say what has been done. [93—5]

Q. Do you think it would refresh your recollection any to look over the answer?

A. I do not think right here; it would take some little time to study it over and find the details of it. We have so many different things coming up, different kinds of things and we kind of drop them after a year and forget them.

(Testimony of Harry V. Gregg.)

Q. I understand you might forget all about the detail, but would you forget the main?

A. As a matter of fact, I do not remember whether that was Morrison and Brobeck or McClanahan that had charge of it at that time.

Q. So your mind is an entire blank upon the whole subject? A. At the present time, it is.

Q. It is.

A. It has simply erased itself from my memory.

Cross-examination.

Mr. McCLANAHAN.—Q. The office of the Matson Navigation Company is now on Market Street, is it not? A. Yes.

Q. What time did you come to this building this morning?

A. Somewhere in the neighborhood of 10 o'clock.

Q. What time is it now?

A. 10:30; practically 10:30.

Q. Before coming here did you know that you were going to be called as a witness in this case?

A. No, I did not.

Q. You had no knowledge of it at all?

A. Not a bit.

Q. What brought you to the building?

A. You telephoned and asked me to come up to the office—I meant Mr. Derby.

Mr. McCLANAHAN.—That is all.

Mr. FRANK.—That is all, Mr. Gregg. [94—6]

[**Testimony of A. C. Diericx, for Libelant.**]

A. C. DIERICX, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Diericx, you are the assistant general manager of this corporation defendant?

A. That is my title, Mr. Frank.

Q. You have seen the bills attached to the complaint in this case marked Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10?

A. I believe so. I would like to see them again, just to be certain.

Mr. McCLANAHAN.—By the way, are those bills that you refer to bills that are attached to your office copy of the libel, Mr. Frank?

Mr. FRANK.—Yes.

The WITNESS.—Then I have seen them.

Mr. McCLANAHAN.—Mr. Commissioner, have you the original papers here?

The COMMISSIONER.—I have not.

Mr. McCLANAHAN.—Will you see that they are here after the noon recess?

The COMMISSIONER.—Yes.

Mr. McCLANAHAN.—I make this statement for the reason, Mr. Frank, that the copies which were attached to our office copies of the libel were not copies of the exhibits as attached to the original libel, and we had to go up to court and change them to conform to the original libelant's exhibits.

Mr. FRANK.—I do not understand that; but if these copies are not like those attached to the original papers, why, of course, we can verify them.

Mr. McCLANAHAN.—For instance, Mr. Frank,

(Testimony of A. C. Diericx.)

on our original copy [95—7] served on us, Schedule 8—

Mr. FRANK.—I object to this as not being testimony.

Mr. McCLANAHAN.— —was a bill for a circulating pump, and I find that Schedule 8 on the libel as filed is a bill for furnishing four new bearing boxes.

Mr. FRANK.—That is what it is. I will look into that later. That cuts no figure in this.

Mr. McCLANAHAN.—I wanted to be sure that your copy attached to your office copy was not as ours was, which evidently were a mistake.

Mr. FRANK.—We will confine ourselves for the present to Schedules 1, 2 and 3, as I understand from the pleadings that the other schedules are admitted, all except one or two items in one of them, and therefore they will cut no figure in this examination.

Mr. McCLANAHAN.—We say that the pleadings will speak for themselves.

Mr. FRANK.—That is true. If that is not a true copy of the pleadings—I am certain it is—but if it is not, we will correct that.

Q. I will show you schedules 1, 2 and 2, Mr. Diericx, these itemized schedules. (Addressing the Reporter.) Now, just read the question.

(The last question repeated by the Reporter.)

A. I have seen them; that is, I have seen copies of them—I presume they are the same thing.

Mr. FRANK.—Have you the schedule, Mr. McClanahan, here that Mr. Diericx used, so that there

(Testimony of A. C. Diericx.)

will be no question about it?

Mr. McCLANAHAN.—That Mr. Diericx what?

Mr. FRANK.—That Mr. Diericx used, which you admit are the true schedules as on the complaint, or rather in the libel. [96—8]

Mr. McCLANAHAN.—I have my copies of Schedules 1, 2 and 3, which we have compared with the original schedules in the libel filed. You are not going to offer these in evidence?

Mr. FRANK.—Well, I want to—

Mr. McCLANAHAN.—I think they are the same as yours; we found no mistake.

The WITNESS.—What is the purpose of this question?

Mr. FRANK.—I want to save any question.

The WITNESS.—You said “used” just now.

Mr. McCLANAHAN.—I think they are the same. We found no material mistake. You see I have retained the billhead for 1, 2 and 3. We found no material variation in the schedules annexed to the original libel and our copy.

Mr. FRANK.—Q. Now, as assistant general manager—you are also an engineer, are you not?

A. No.

Q. What is your business?

A. I am a naval architect.

Q. A naval architect? A. Yes.

Q. These bills were submitted to you, were they not, for approval? A. They were not.

Q. These schedules? A. They were not.

Q. They were not? A. No.

(Testimony of A. C. Diericx.)

Q. They were submitted to the company for approval, were they not?

A. I presume so. That was before my connection with the company.

Q. Well, they were presented to you by the company for your approval? A. They were not.

Q. For what purpose were they presented to you by the company?

A. As a record of a case in dispute.

Q. Did you go over them? A. No. [97—9]

Q. You did not go over them at all? A. No.

Q. Are you sure you never went over those?

A. Absolutely.

Q. Bills. A. Absolutely.

Q. This matter is in your charge, is it not?

A. Yes.

Q. And has been right straight along?

A. That is, the matter of the dispute—

Q. Is in your charge? A. It is.

Q. And you as assistant general manager have formulated the defense in this case, have you not?

A. I have not.

Q. You have not? A. No.

Q. Have you not on several occasions gone over this matter and proposed amounts to the United Engineering Works which you were willing to allow and pay? A. On one occasion.

Q. How did you arrive at your amounts?

A. By getting the unbiased testimony of an expert to give me an idea of the cost of the work, the value of the work.

(Testimony of A. C. Diericx.)

Q. And then your entire objection to this bill is based upon the opinion of some third party whom you had figure upon it; is that so?

Mr. McCLANAHAN.—I object to that question as immaterial, what the objection is based upon.

A. Yes.

Mr. FRANK.—Q. Who was that third party?

A. Mr. Fred A. Gardner.

Q. At the time of your conversation with the United Engineering Works did you not state that there was no objection to the bill for material in these schedules? A. No.

Q. You did not? A. No. [98—10]

Q. Do you know how this amount of \$22,922.56 that you admit to be due is made up? A. I do not.

Q. You have no knowledge of the details?

A. No knowledge of the details.

Q. Did you not work it up with Mr. Gardner and with these several parties? A. Absolutely, no.

Q. You have been the active agent in getting up these details, have you not? A. Absolutely, no.

Q. And know nothing about these details?

A. Know nothing about the details.

Q. Then, as I understand you, all the figures in your answer and all the objections to this bill are based upon the suggestions of Mr. Gardner as to what he deems on his figures the work ought to cost?

A. No.

Q. Then what is it based on? A. I do not know.

Q. You do not know what it is based on?

A. No. The answer is not my answer.

(Testimony of A. C. Diericx.)

Q. Yes, but as assistant general manager of the company you have just stated to me that your objections were taken from the word of Mr. Gardner as an expert.

A. That was in the first place, in hoping to make a settlement in full of the account, but that was a long while after Captain Matson, the president of the company, had decided not to pay it in full, that it was an overcharge.

Q. Very well. But you yourself, acting as assistant general manager of this company have proposed figures to be paid for this bill, have you not?

A. In trying to arrive at an amicable settlement and avoid a lawsuit I did in Captain Matson's absence at Honolulu. [99—11]

Q. And as I understand you, those figures were based upon the suggestion of Mr. Gardner?

A. With a lot of additions that I made myself to be sure that it would be high enough.

Q. On what basis did you make your additions?

A. From general observations as to the amount of overtime and that sort of thing that was probably carried on while the work was done at that time.

Q. Is that all that you know about the details of this matter? A. That is all, Mr. Frank.

Q. Mr. Diericx, when was Mr. Gardner first consulted regarding this matter?

A. I think it was some time in February, 1909.

Q. 1909? A. 1910, rather.

Q. And when was it that you had your conversation

(Testimony of A. C. Diericx.)

with the United Engineering Works respecting this matter?

A. Probably in that same month, or early in March.

Q. Have you no recollection of the date?

A. None at all.

Q. Are you sure that those conversations were held subsequent to the employment of Mr. Gardner?

A. Absolutely.

Q. You are absolutely sure. What makes you so absolutely sure when you have no recollection of the date?

A. Because I had absolutely no knowledge of the value of the work that was performed.

Q. You had a timekeeper, did you not, on this work?

A. The Matson Navigation Company, I believe, employed a timekeeper.

Q. Did you consult with the timekeeper?

A. I asked the timekeeper two or three questions after he had tendered his resignation and left the ship.

Q. Who was that timekeeper?

A. His name was Putzar.

Q. You had other people upon the job at that time, did you not, [100—12] in the employ of the Matson Navigation Company?

A. Well, I only know by hearsay and report. You see the job was carried out when I had no connection with the Matson Navigation Company. I entered the service of the Matson Navigation Company on

(Testimony of A. C. Diericx.)

the 1st of February, 1910, and this job was performed in September, 1909.

Q. Well, that would not interfere with your knowledge of the fact that there were other men in the employ of the Matson Navigation Company on that job, would it? A. I believe there were.

Q. Well, don't you know as a matter of fact there were? A. Well, by hearsay, of course, they were.

Q. Well, you know by the records of your company that they were? A. Yes.

Q. Did you consult any of those other people upon the job? A. No.

Q. Then, as I understand you, Mr. Diericx, you know nothing about the justice of this bill except what has been suggested to you by Mr. Gardner?

A. That is a fact.

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Diericx, did you hear what Mr. Putzar's connection with this job was?

A. He was generally supposed to be the time-keeper.

Q. When did he resign as chief engineer of the "Hilonian"?

A. It was very early in February; I do not know the date.

Q. Did you have any conversation with him at the time that he resigned?

A. Well, we might have had a few minutes of ordinary conversation. I do not recall it.

Q. Do you know why he resigned?

A. Why, he stated to me at the [101—13] time

(Testimony of A. C. Diericx.)

that he did not like the triangular run the vessel made to the Sound and then to Honolulu and back to San Francisco; it did not give him enough time in San Francisco.

Q. When you said, Mr. Diericx, that you put to Mr. Putzar several questions about this job, what were those questions?

A. That was later. That was when I had accepted his resignation. In the acceptance I told him I would like to see him to ask him a few questions relating to the bill in dispute with the United Engineering Works, as I had hopes of making a settlement, an amicable settlement on it, and he came up to the office, and the time-book was on my desk, which was supposed to be his record, and I asked him if that was his record, and he said it was. I asked him if it contained all the time that was worked on the ship and all of the job and he said it did, and I think that was about the extent of the conversation.

Q. Have you seen Mr. Putzar since then?

A. Not to talk to.

Q. Do you know whether efforts have been made to see Mr. Putzar on behalf of your company?

A. Not that I know of.

Q. Do you know Mr. Putzar's relations with the United Engineering Works? A. I do not.

Q. Mr. Diericx, in your past experience you have had something to do with shop work, have you not?

A. Yes, a good deal.

Q. What is this time-book that Mr. Putzar was supposed to have kept?

(Testimony of A. C. Diericx.)

A. It is supposed to be a record of the time that the men worked on the ship.

Q. Kept for the benefit of the ship?

A. Well, for whoever employs the timekeeper.

Q. Do you know how it is kept when it is kept regularly? [102—14]

A. Well, in my experience, a timekeeper usually goes around to work and checks the men on the work, probably twice a day, takes down their numbers and the number of hours they are working on each particular job.

Q. And enters it in a book called the time-book?

A. Called the time-book.

Q. Is that book kept in duplicate as a usual thing?

A. Why, in ordinary practice, in shipyard practice, it is not.

Q. It is not? A. It is not.

Redirect Examination.

Mr. FRANK.—Q. Of course, Mr. Diericx, you know nothing about how the time was kept in this particular case, do you? A. I do not.

Q. As I understand, you were not connected with the company at the time the work was done?

A. I was not.

Q. Just exactly what did Mr. Putzar tell you about his time-book, about a record of what did he tell you that it was?

A. A record of the time of the men that worked on board the ship.

Q. Have you that time-book? A. I have not.

Q. Well, your company has.

(Testimony of A. C. Diericx.)

A. I believe it is in the hands of the attorneys, Mr. Frank.

Mr. FRANK.—Have you it here, Mr. McClanahan?

Mr. McCLANAHAN.—No, I have not.

Mr. FRANK.—Is it up in your office?

Mr. McCLANAHAN.—Yes.

Mr. FRANK.—I would like to have you send for it, please.

Mr. McCLANAHAN.—Haven't you got the originals?

Mr. FRANK.—I have one, but I want to see whether or not it is the same. [103—15]

Mr. McCLANAHAN.—I will produce the time-book for the purpose comparing it with the original to see if it is a copy. We produce the time-book for the purpose of comparing it with the original in the hands of the libelant (producing).

Mr. FRANK.—I appreciate that limited production, but if it is competent as evidence, of course I have the right to use it.

Q. Of course, besides being the timekeeper he was the chief engineer of the vessel, was he not?

A. He, I believe, went out as chief engineer of the vessel after the repairs were made.

Q. And he was on board in his capacity as an engineer overseeing the work?

A. That I do not know. I have never heard him referred to other than as timekeeper.

Q. Well, for the mere matter of keeping time, it is not the practice to employ a skilled engineer for

(Testimony of A. C. Diericx.)

that purpose, is it, Mr. Diericx?

A. Well, I do not know that it would be a practice, but a man with the qualifications of an engineer could keep better segregated time.

Q. That is he knows to what class each worker belongs? A. Yes.

Q. Whether he is a machinist or a helper or all of the different grades of work, he would understand what they were in order to take the men's time. Is that right?

A. Yes; he would have a better knowledge than the ordinary timekeeper for that.

Q. And so far as any other office that he performed on board the ship during the time of that work, not having been connected with the company, you have no knowledge? A. I have no knowledge.

Mr. FRANK.—That is all.

Mr. McCLANAHAN.—That is all. [104—16]

[Testimony of Francis Dolan, for Libelant.]

FRANCIS DOLAN, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Dolan, you are the pattern-maker, are you, over at the United Engineering Works? A. Yes, sir.

Q. And was such at the time of the repairs of the "Hilonian" here in question? A. Yes, sir.

Q. As such pattern-maker it was your duty to make the patterns for the castings? A. Yes, sir.

Q. In performing work in your department, what can you say with reference to the different jobs carrying an identifying number?

(Testimony of Francis Dolan.)

A. Well, what do you mean by identifying number?

Q. Has every job its own number? A. Yes.

Q. That is, you are given certain numbers that identify each job? A. Yes, sir.

Q. That passes through your shops? A. Yes.

Q. Those numbers are given to all the workmen, are they not? A. Yes, sir.

Q. The list put up in each department at the time the job commences? A. Yes.

Q. I will show you now a series of cards which are numbered as follows: D9040, D9041, D9042, D9045, D9048, D9053, D9055, D9065, D9066, D9069, D9070, D9077, and ask you to look at them and tell me what they are?

A. It says "lumber in"—

Q. (Intg.) I do not want you to read them, but to state whether or not those are cards showing material used by you on the "Hilonian" job specified on those cards.

A. Yes. There is my signature to all of them.

Q. The "F. D." at the bottom is your signature?

A. Yes, in every one. [105—17]

Q. And those cards were made at the time the job was done? A. Yes, sir.

Q. State whether or not they correctly state the material used at that time on those particular jobs.

A. Yes, sir.

Q. I notice on D9077 there is a correction made, 50 feet to 40 feet; state whether or not that was

(Testimony of Francis Dolan.)

made at the time the card was entered and made by you.

A. Yes, it was made by myself; I am the only person that gets those up.

Q. That is your own change? A. Yes, sir.

Q. Also on D9053 there is a change made of the job number; that whether or not that is your change?

A. That is my change also, yes.

Q. Made at the time?

A. Yes, at the time I put it in, the day I wrote the rest of the card.

Q. Now, I find the same thing on D9069.

A. Yes.

Q. What is that?

A. The correction you mean at the right-hand side?

Q. Yes.

A. That is right; that is my correction also. You see there had been a "3"; I made it 5295—I started to put the date underneath there instead of the number there; that is what I done.

Q. You started to put the date there?

A. I think I started to put the date in the wrong corner; something to that effect.

Q. State whether or not these several job numbers on these cards are the job numbers of the "Hilonian"?

Mr. McCLANAHAN.—Q. If you know.

A. Yes, to my knowledge, they are, sir.

Mr. FRANK.—Q. At the time that the cards were made out did you have the job numbers before you?

(Testimony of Francis Dolan.)

A. Yes, I did. [106—18] I usually put the name of the boat I am working on on the ticket also, but in this case I did not.

Mr. McCLANAHAN.—Q. What is that, Captain? Speak a little louder.

A. I usually put the name of the boat I am working on, you know. I would put the word “Hilonian,” but in some cases I did not.

Mr. FRANK.—Q. At any rate at the time those cards were made out you knew them to be correct?

A. Yes, sir.

Mr. FRANK.—Now, we offer these cards in evidence. I presume they are sufficiently identified by the numbers, unless you want some other identification. I have a large number of them here and we might as well agree upon some method.

Mr. McCLANAHAN.—What number do you refer to?

Mr. FRANK.—I refer to those numbers there.

Mr. McCLANAHAN.—Well, we can agree on the identification number, but we shall have to object to the exhibit as being hearsay evidence, irrelevant, incompetent and immaterial; further, on the ground it is a self-serving document and inadmissible.

(The bunch of cards is marked “Libelant’s Exhibit 1.”)

Mr. FRANK.—Q. That is the usual and uniform method of keeping a record of the work?

A. Yes.

Q. In the works over there? A. Yes.

Q. Now, I have another series of records marked

(Testimony of Francis Dolan.)

with print on it, "Foundryman place this number on bill." A. Yes.

Q. They are headed "United Engineering Works" and are numbered 6235, 6238, 6240, 6256, 6261, 6266, 6271, 6272, 6273, 6274, 6276, 6280, 6286, 6287, 6289, 6290, 6299, 6294, 6298, 6301, 6303, 6304, 6305, 6310, 6321, 6291, 6317, 6251, 6257, which I will ask you please to examine and state whether or not they are records made by you of the work done on castings for the steamer "Hilonian"? [107—19]

A. I will look at the headings to see whether I wrote each one. They are all mine.

Q. Is that in your own handwriting? (Handing.)

A. The last one is too but I did not remember to put the word "Hilonian" on the top.

Q. But they are all in your handwriting?

A. Yes.

Q. Of work that passed through your hands for the "Hilonian"? A. Yes, sir.

Q. The term "shop order number" at the head, state whether or not that is the number of the job.

A. This number here? (Showing.)

Q. Shop order number. A. Yes.

Q. The number following is the number of the job? A. Yes, sir.

Q. Are these made out in duplicate, Mr. Dolan?

A. Yes, sir.

Q. And one copy retained by you? A. Yes.

Q. And passed into the office?

(Testimony of Francis Dolan.)

A. One in the office and one kept by myself and that one.

Q. And one kept by yourself? A. Yes.

Q. You say, and this one.

A. I should say one for the office, one would go to the foundryman and one for ourselves.

Q. Now, I notice on each one of these in the column "Wt. pounds" there are weights. A. Yes.

Q. Are those your figures? A. No, sir.

Q. The rest of it is your handwriting?

A. Yes.

Q. What does "C" mean?

A. Cast iron—C-I.

Q. C-I— A. Cast iron.

Q. That is under the head of materials.

A. Yes, cast iron.

Q. On number 6240, under head of material, what was that? A. That is brass. [108—20]

Q. On 6256 under the head of material, besides the C-I there are two brs. What are they?

A. Here is a case in which I failed to put in what the material was, and the gentleman who put the weights down put in the material. That is a mistake I made in that case.

Q. Well, at any rate the gentleman who received the finished product and who put down the weights also put down the material of which the finished product was made?

A. The material. He is outside, if you want to take that up.

Q. I understand. I will take that up. You just

(Testimony of Francis Dolan.)

answer the questions. On 6266 under the head of material, it seems also somewhat obliterated; tell us what that is. A. Brass.

Q. The same thing, 6271. A. Brass.

Q. The same on 6272. A. Brass.

Q. On 6273. A. Brass.

Q. On 6280 under the head of material.

A. It is brass.

Q. All of the articles are brass—those are ditto marks? A. Yes, brass.

Q. Now, on 6287 the first two items can be hardly read. A. Bronze and brass.

Q. Brass is the last. A. Brass is the last.

Q. And 6289. A. Brass.

Q. And 6290. A. Brass.

Q. And 6299. A. Brass.

Q. And 6294. A. Brass.

Q. Both of them? A. Both of them.

Q. 6298. A. Brass.

Q. 6303. A. Brass.

Q. 6304. A. Brass; all the parts.

Q. Is that in your own handwriting? A. Yes.

Q. The parts are brass right straight down?

A. Yes. [109—21]

Q. 6305. A. Brass.

Q. Both of them? A. Yes.

Q. 6310. A. Brass.

Q. 6291. A. Bronze.

Q. 6251. A. Manganese bronze.

Q. 6257. A. Machine brass.

Q. M-B. A. Yes, the same as brass.

(Testimony of Francis Dolan.)

Q. Mr. Dolan, with respect to these various matters to which I have just called your attention, these various articles mentioned here are made to a size to fit a particular vessel?

A. Well, they were made to a drawing that was given to me for the "Hilonian."

Q. And they were all of a particular size, were they not? A. They were.

Q. That is, on a scale to fit a particular part on the vessel? A. Yes.

Q. Now, Mr. Dolan, referring again to the yellow cards, particularly from 9040 to 9077, that is all lumber. What was that lumber used for?

A. Sometimes for patterns and sometimes for requirements of machinists, and on that line.

Q. Well, examine these and see whether or not these are not all for patterns?

A. In that case, that, to my recollection, was machinists coming and asking for that for certain purposes of their own.

Mr. McCLANAHAN.—Q. Will you refer to the number that you are testifying to?

A. That is the number, 5295.

Mr. FRANK.—Q. What is the number that card is identified by?

A. Well, that is D9040; that is a case of a machinist coming and saying he would want so much lumber for a certain work he was [110—22] doing on the "Hilonian," and I would give him the lumber to do it. That was the idea of that. D9041 is lumber in piston and eccentric 108 feet.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN.—We are going to consume a good deal of time unnecessarily that way. The witness is just reading what is on the card.

Mr. FRANK.—Q. Just say what it is.

A. I will say pattern.

Q. Give the number, what is contained in that, if more than one article designate the article.

A. D9042, that is a pattern.

Q. That is, it is a pattern in which a casting was made? A. Yes.

Q. That is, it is castings that you have been testifying to on the other white slips, is that right?

A. Yes. D9045. Number of babbitt—

Q. Casting?

A. No. That was given to the man who babbitts them with the babbitt metal, so that he can do it properly, do the job. D9048, pattern.

Q. In which a casting is molded.

A. Yes. D9053, pattern; D9055, pattern; D9058, a check for grinding piston rods; they are given to any machinist. D9065, pattern; D9066, pattern; D9070, pattern; D9077, pattern; that is all.

Q. Those patterns, I understand you are made for the castings? A. Yes, sir.

Q. Which were made under these other numbers on the white slips? A. Yes, sir.

Q. And used by you for that purpose?

A. Yes.

Mr. FRANK.—Now, I offer the white slips also in evidence.

Mr. McCLANAHAN.—Make your complete offer

(Testimony of Francis Dolan.)

for identification so that I can object to it. [111—23]

Mr. FRANK.—I offer both of them separately.

Mr. McCLANAHAN.—And the second is to be identified by the numbers here?

Mr. FRANK.—Yes. They are the white slips, “foundryman place this number on bill,” with the numbers.

Mr. McCLANAHAN.—We object to the introduction of the white slips on the ground that they are incompetent, irrelevant, immaterial, hearsay and self-serving.

(The papers are marked “Libelant’s Exhibit 2.”)

Mr. FRANK.—Q. With reference to all of these slips, both yellow and white, as I understand that you knew at the time the record was made that they were true records of what was done? A. Yes, sir.

Q. And can you recall now as to them also? (Showing.)

Mr. McCLANAHAN.—I object to that question as indefinite, not referring to any particular slip that you have introduced.

Mr. FRANK.—Q. I am referring to all the white slips.

A. Yes, on all of them. I will stand for all of them; they were made for the ship “Hilonian.”

Mr. McCLANAHAN.—I object to that and ask that it be stricken out as irresponsive to the question.

Mr. FRANK.—Q. When you say you stand for all of them, what do you mean?

A. I mean that they were all gotten out for the “Hilonian.”

(A recess was here taken until 2 P. M.) [112—24]

(Testimony of Francis Dolan.)

AFTERNOON SESSION.

FRANCIS DOLAN, direct examination resumed.

Mr. FRANK.—Q. Mr. Dolan, just take the bunch of cards I hand you now, and tell us what those are (handing). A. That is my own personal card.

Q. Look them through before you answer, then you will be able to make one answer for all. Are these your personal cards? A. Yes, sir.

Q. Recording your time? A. Yes, sir.

Q. That is the time that you put in in making the patterns to which you have testified this morning?

A. Yes, sir, and looking after others.

Mr. McCLANAHAN.—I object to the witness being led, Mr. Frank, to that extent.

Mr. FRANK.—It may be technically improper, but I think under the circumstances there can be no legitimate objection to it.

Q. Now, Mr. Dolan, I hand you 'time-card of August 26, 1909, and ask you when you made the record indicated on that time-card?

A. The following morning, as I do in all cases.

Q. That is, you entered on the card the following morning? A. Yes, sir.

Q. And how do you keep track of it?

A. Well, I know what I done the previous day. That is all there is to it.

Q. And how do you identify the particular work done on the [113—25] "Hilonian"?

A. That was what occupied my time the day previous to my writing this. That work occupied my time the day previous to my writing this.

(Testimony of Francis Dolan.)

Q. What identifies it as the "Hilonian"?

A. 5309, I believe, is the proper number.

Q. I am not asking you about these numbers; at the time you made the entry in that card, did you verify the numbers?

A. Sure, from the work I had done; yes.

Q. You knew the numbers, and you knew the time? A. Yes, sir.

Q. And you entered it on the card?

A. Yes, sir.

Q. And at that time the card was correct, you knew? A. Sure.

Q. Then, as I understand you, under the column "Job Number" you enter the particular job you are working on, is that right? A. Yes, sir.

Q. Under the column "Hours Worked," you enter the number of hours you work? A. Yes, sir.

Q. Under "Article Worked On," you enter—

A. The piece.

Q. The name of the piece that you were working upon? A. Yes, sir.

Q. What is "Shop No. 390"?

A. That is my number.

Q. That is your number in the shop?

A. Yes, sir.

Q. You enter that also? A. As you see.

Q. You enter that? A. Yes, sir.

Q. And your name? A. Yes, sir.

Q. And the date? A. Yes, sir.

Q. With each of the other cards bearing your name, and dated [114—26] respectively August

(Testimony of Francis Dolan.)

27th, 1909, August 28th, 1909, August 30th, 1909, August 31st, 1909, September 1st, 1909, September 2d, 1909, September 4th, 1909, September 6th, 1909, September 8th, 1909, September 10th, 1909, September 11th, 1909, September 12th, 1909, September 13th, 1909, September 14th, 1909, September 15th, 1909, September 16th, 1909, September 17th, 1909, September 18th, 1909, and September 20th, 1909, are all records made by you in the same way, is that so?

A. Yes, sir.

Q. Look them over so that you will be able to say?

A. (After examination.) Yes.

Q. At the time that you made these records did you know them to be correct? A. Absolutely.

Q. After you make that record what do you do with it?

A. Take it down to the office, and give it to the timekeeper.

Q. Now, I show you another set of cards, and ask you what those are (handing)?

A. Those are what I signed to receive my wages.

Q. How are those records made?

A. They are made by—the timekeeper, I suppose, looks after his end of it. That refers to the office.

Q. Don't you punch a clock?

A. I beg your pardon. I punch a clock. Is that to what you allude to?

Q. Yes. A. I punch a clock.

Q. Is that the record of the clock (handing)?

A. That is the record of the clock to see how punctual I am.

(Testimony of Francis Dolan.)

Q. These three time-cards represent "Pay Ending August 28th, [115—27] 1909; Pay Ending September 11th, 1909; Pay Ending September 25th, 1909."

Mr. FRANK.—We offer these in evidence together as an exhibit, and ask to have them marked Libelant's Exhibit 3.

Mr. McCLANAHAN.—We object to them as incompetent, irrelevant, immaterial, hearsay, and self-serving documents; not evidence against the respondent in this case.

(The time-cards are marked "Libelant's Exhibit 3.")

Mr. FRANK.—Now, Mr. Dolan, I show you another batch of cards, and ask you what those are (handing).

A. These are the time-cards of one of the men who was employed in my department.

Q. In your department? A. Yes, sir.

Q. Under your supervision? A. Yes, sir.

Q. Do you check up his time? A. I do.

Q. Also? A. Yes, sir.

Q. Every day? A. Every day.

Q. On each card?

A. On each card, and each item.

Q. And each item? A. Yes, sir.

Q. And at the time you do so you know it to be correct? A. Yes, sir.

Q. And do you, or who hands this card in?

A. I do. In this case I do. I hand in all my own department.

(Testimony of Francis Dolan.)

Q. That is all the men in your department?

A. Yes, sir.

Q. This batch is, "E. L. Clifford, September 14th, 1909; September 16th, 1909; September 17th, 1909." With respect to the work done by these men who assigns the work? Who does it? [116—28]

A. Who assigns it to them?

Q. Yes. A. I do.

Q. And keep track of them? A. Yes, sir.

Q. And their time? A. Yes, sir.

Q. I show you what appears to be the time-card of Clifford (handing). A. He punches his own.

Q. That is the clock record? A. Yes, sir.

Q. That is dated, "Pay Ending September 25th, 1909"? A. Yes, sir.

Q. And at the time you passed these in, you knew the statements on them to be correct?

A. Yes, sir.

Mr. FRANK.—We offer these in evidence as Libelant's Exhibit 4.

Mr. McCLANAHAN.—I object to that as incompetent, irrelevant, immaterial, hearsay and self-serving.

(The time cards are marked "Libelant's Exhibit 4.")

Mr. FRANK.—Q. Now, Mr. Dolan—

Mr. McCLANAHAN.—With your consent, Mr. Frank—

Mr. FRANK.—My consent to what?

Mr. McCLANAHAN.—With your consent my objections may apply to all this class of evidence.

(Testimony of Francis Dolan.)

Mr. FRANK.—You mean to all the time-cards that go in?

Mr. McCLANAHAN.—All the class of evidence that has been introduced by you as exhibits so far. Will there be any more of that nature?

Mr. FRANK.—There will be a great deal more of that nature.

Mr. McCLANAHAN.—I make the suggestion.

Mr. FRANK.—If you want to make a wholesale objection [117—29] I have no objection to it, but I think perhaps you will find it more advantageous to enter it each time, and there will not be so much difficulty, and there will not be any question about the nature of the objection.

Mr. McCLANAHAN.—If you do not object I shall ask you to consent that my objections stand to all that call of evidence without repeating it.

Mr. FRANK.—The trouble is, Mr. McClanahan, that that involves a determination of what is that class of evidence in each case. I would be very glad to make this as easy as possible, but I want also to be accurate. There will be very little difficulty to note your objections as we go along. It will only be a few words.

Mr. McCLANAHAN.—All right, I will do so.

Mr. FRANK.—Q. I now show you another set of time-cards, and ask you what that is (handing).

A. (After examination.) That is his time-cards, and the time by the clock.

Q. That is Raichhold's? A. Yes, sir.

Q. He was a man under you, in this department?

(Testimony of Francis Dolan.)

A. Yes, sir.

Q. And what you have said concerning checking up Clifford's cards applies as well to him?

A. Yes, sir.

Q. And also what you have said concerning keeping his time, and assigning him to work?

A. Yes, sir.

Q. And everything in detail, just the same as you have testified to Clifford? A. Yes, sir.

Q. His cards also were passed in by you?

A. Yes, sir.

Q. After checking up and verifying?

A. Yes, sir.

Mr. FRANK.—These cards are: "August 27th, 1909; [118—30] August 28th, 1909; August 30th, 1909; August 31st, 1909; September 1st, 1909; September 2d, 1909; September 3d, 1909; September 4th, 1909; September 8th, 1909; September 10th, 1909; September 11th, 1909; September 14th, 1909; September 15th, 1909; September 16th, 1909; September 17th, 1909; September 18th, 1909; and September 20th, 1909"; and the clock cards are: "Pay Ending August 28th, 1909; Pay Ending September 11th, 1909; Pay Ending September 25th, 1909." We offer these in evidence as Libelant's Exhibit No. 5.

Mr. McCLANAHAN.—We object to the offer and the introduction on the ground that it is incompetent, irrelevant, immaterial, hearsay, and self-serving.

(The time-cards are marked "Libelant's Exhibit No. 5.")

(Testimony of Francis Dolan.)

Mr. FRANK.—Q. Now, I show you another set of cards, and ask you if that is the card of a man also working under you on this job. A. Yes, sir.

Q. That is Robert Shepard? A. Yes, sir.

Q. The time of this man was also supervised by you? A. Yes, sir.

Q. In the same way as you have testified to regarding the others? A. Yes, sir.

Q. The time written up? A. Yes, sir.

Q. And verified by you? A. Yes, sir.

Q. And at the time the record was made you knew it to be right? A. Yes, sir.

Q. Passed in by you to the timekeeper?

A. Yes, sir.

Q. These cards are dated: "August 30th, 1909; September 3d, 1909; September 4th, 1909; September 15th, 1909"; and the clock cards are his also?

A. Yes, sir. [119—31]

Q. Dated: "Pay Ending September 11th, 1909," and: "September 25th, 1909"? A. Yes, sir.

Mr. FRANK.—I offer these in evidence, and ask that they be marked Exhibit No. 6.

Mr. McCLANAHAN.—I object to them as incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on this respondent.

(The cards are marked "Libelant's Exhibit No. 6.")

Mr. FRANK.—Q. Is that all in your handwriting (handing)? A. Yes, sir, that is mine.

Q. All those materials are down in your handwriting? A. Yes, sir.

(Testimony of Francis Dolan.)

Q. Is that the original sheet of which this is the carbon?

A. Yes, sir, 6256. It is a case of the carbon misplaced.

Q. In other words, the carbon did not carry?

A. That is the idea.

Q. And that was inserted afterwards?

A. That was inserted afterwards.

Q. And this is correct? A. Yes, sir.

Mr. FRANK.—We offer this in evidence in connection with 6256 already in evidence in Libellant's Exhibit No. 2.

Mr. McCLANAHAN.—What is the object of this offer? I see it is simply a duplicate of something already in evidence.

Mr. FRANK.—Mr. Dolan said that this notation under the material here was not in his handwriting. I want to show that that material was used by his testimony.

Mr. McCLANAHAN.—The same objection, incompetent, irrelevant, immaterial, hearsay, and self-serving, and not [120—32] binding on the respondent.

Mr. FRANK.—With your permission I will put it in over 6256.

Mr. McCLANAHAN.—You had better have it marked.

Mr. FRANK.—It is a yellow sheet, and cannot be mistaken, the yellow sheet of 6256, and is made a part of Exhibit No. 2.

Q. I will hand you this bunch of yellow sheets, and

(Testimony of Francis Dolan.)

ask you to look through them, and state whether or not they are not all in your handwriting, and made at the time that the material there indicated was made up and sent out, and part of the records of your shop? A. (After examination.) Yes.

Q. These are the upper surface sheets of which the white sheets, Exhibit 2, are the carbon copies, are they not? A. Yes, sir.

Mr. McCLANAHAN.—Those last are not introduced in evidence.

Mr. FRANK.—Not yet. I will introduce them presently. I want to have some further testimony in regard to them. [121—33]

Cross-examination.

Mr. McCLANAHAN.—Q. You are now in the employ of the United Engineering Works, are you?

A. Yes, sir.

Q. Please do not answer my question before you hear it all. How long have you been in their employ, Mr. Dolan? A. It may be nearly eight years.

Q. You were in their employ then in August and September, 1909? A. Yes, sir.

Q. What was your particular employment at that time? A. Pattern-maker.

Q. That is a particular department of the works, is it? A. Yes, sir.

Q. What was your position in that department? A. Foreman.

Q. What were your duties as foreman?

A. Well, to see that all the work that came into that department was made.

(Testimony of Francis Dolan.)

Q. You did not do any of the work yourself?

A. Yes, sir.

Q. Were you kept working all the time on the work yourself? A. Yes, sir.

Q. And in addition to doing the work itself that came into the department, or your share of it, you had other duties, did you? A. Yes, sir.

Q. What were those?

A. My duties are distributed, to see as regards any one person the work that might be down on the "Hilonian," looking after a piece of work. I might be at a bench making a piece of work for the "Hilonian," etc.

Q. You were kept busy working about the shop during the busiest hours doing work yourself?

A. About the shop?

Q. Yes. A. And sometimes about the ship.

Q. You say you were timekeeper also?

A. No, sir.

Q. Who was timekeeper in your department?

A. In my department? [122—34]

Q. Yes.

A. Each of us put down our own time for the work performed in a certain job.

Q. And when one of the men under you put down his time and handed the card to you, you simply took his word for the truth of it, did you not?

A. No, sir.

Q. Who was the timekeeper of that department?

A. In that sense I would be.

Q. Did you watch that man do his work?

(Testimony of Francis Dolan.)

A. Yes, sir; that is my business.

Q. How could you watch a man in the shop when you were down on the ship?

A. I might give a man a job and return in half an hour and see him at it, so I knew what he was doing.

Q. So you were timekeeper?

A. If you wish to put it that way.

Q. There was no other timekeeper; is that correct? A. That is correct.

Q. My examination now is going to refer solely to the month of August and September, 1909.

A. Yes, sir.

Q. When a piece of work came into the shop, will you just tell me exactly the method that was pursued in handling it?

A. Yes, sir. The draughtsman would hand me a sketch of a piece of work, and I would hand it to a pattern-maker. I would give him instructions on that piece of work, tell him how to make it, how I wanted it molded, and let him do the rest.

Q. Well, with reference to keeping track of that work, tell me the process?

A. I would know when I gave it to him, especially on a small piece, to within a half an hour as to when I should get it.

Q. How did you know what that work was for?

A. The draughtsman would give me the sketch and on it was for whom it was.

Q. On the sketch was for whom it was?

A. Yes, sir. [123—35]

(Testimony of Francis Dolan.)

Q. Was there any number on the sketch?

A. Yes, sir.

Q. What number?

A. The number of the job and the name of the boat sometimes.

Q. Did you have in your department any other than this number which you say was on the sketch?

A. No, sir. All work has to have a number.

Q. All work has to have a number?

A. That is the first thing I look for.

Q. And you get the number from the draughtsman?

A. From the draughtsman, or whomsoever gives it to me. It might be the superintendent in the machine shop.

Q. What would he give you besides the number?

A. The same as the draughtsman.

Q. Give you a sketch? A. Yes, sir.

Q. So that the sketch handed you, whether handed by the draughtsman or anyone else, contained on it the number of the job? A. Yes, sir.

Q. And that number remained on that job all through the work, did it? A. Yes, sir.

Q. You had no knowledge as to where this work went to except through this job number?

A. Generally speaking, that is so; in another sense, not so. I have a knowledge as to where most of it would go. Anybody that knows what a marine engine is knows where certain pieces go.

Q. I refer to what ship it goes to. Your only knowledge as to what ship it went to comes from

(Testimony of Francis Dolan.)

your knowledge of the number? A. Yes, sir.

Q. And that you got from somebody else?

A. Yes, sir.

Q. So that when you get a sketch with a certain number on it, [124—36] without any designation of the ship that it is for, you do not know what ship it is for?

A. As you say, I would not know in that case, but as a rule I always inquire.

Q. And sometimes the sketch has on it the name of the ship? A. Yes, sir.

Q. Now, referring to the yellow sheets which have been introduced here in evidence marked "Libelant's Exhibit 1," who furnished you with these blank sheets? A. The office.

Q. They are numbered to the left consecutively, are they? A. Yes, sir.

Q. As they reach your hand blank?

A. Yes, sir.

Q. And you fill these sheets out from the sketch in part, do you not?

A. From the tag-book; they come in a tag-book. I have the copy of that.

Q. That is, there is something connected with this blank yellow sheet that we have not before us now?

A. Yes, sir.

Q. What is that? A. A copy of that.

Q. Who makes that copy on the book that we have before us? A. I do.

Q. That is made from the sketch, is it not?

A. No, sir; in writing out material, I know the

(Testimony of Francis Dolan.)

material I use, and I write it on my tag, and write it on that, and I cut that off and give it to the office.

Q. This then which has been introduced as “Libellant’s Exhibit 1” is a duplication—

A. (Intg.) Yes, sir.

Q. Wait a moment—is a duplication of another entry in the tag-book? A. Yes, sir. [125—37]

Q. You get the number on the right which is called the job number from the sketch, don’t you?

A. Yes, sir.

Q. And the ship that the work is intended for, you get from the sketch, do you? A. Yes, sir.

Q. You have not an independent recollection now of this work?

A. Yes, sir, I have in lots of cases, lots of points; for instance, the large patch we put on there; also the main boxes we put in there and several other parts of it.

Q. Little items of lumber you would not remember now independently?

A. Yes, sir; I would know the number on the boxes and the number on the patch I tell you about, and several other things.

Q. And you have been doing work ever since then?

A. Yes, sir.

Q. The same kind of work? A. Yes, sir.

Q. Can you remember the lumber that was used in any other ship since then?

A. I could in that patch.

Q. Answer my question: can you remember the lumber that was used in any other ship since then?

(Testimony of Francis Dolan.)

A. On any specific piece?

Q. Yes.

A. I could memorize that and bring it back.

Q. Do it, please.

A. Say I made a propeller for the steamer "Borden" or some other steamer around the bay, for any one that I made recently,—I made 3 or 4 recently—I know the lumber that went into them or somewhere about the amount, in the neighborhood of 220 or 230 feet.

Q. I want you to give me a sample of your memory as to some particular ship that you did work on.

A. Some particular ship?

Q. Yes, in the year 1909. It is pretty hard to do, is it not? [126—38]

A. Let me see now. I will have to call up—I cannot just call up what we were doing about that time.

Q. It is pretty hard to do.

A. I could tell Mr. Dierucx how much I put into a wildcat I made for him just about that time; I can tell you that much.

Q. Is that all you can remember?

A. That is one case. You happen to call up one case.

Q. I want you to call up another case not connected with the Matson Navigation Company?

A. I am trying to see if I can think of anything large about that year. If you were to ask me about any specific one, if you happened to know, I might answer you. I cannot call it up now myself.

Q. That is my suggestion; it is pretty hard to re-

(Testimony of Francis Dolan.)

member those things without having before you something to refresh your memory; is that not so?

A. Yes, sir.

Q. When you said that this work was all done for the "Hilonian," and I refer to the lumber furnished shown by the yellow cards, I call your attention to the card of August 28th; how do you know that was for the "Hilonian," 108 feet?

A. It says there, "lumber in piston follower and eccentric liners and crosshead slide." We made those things for them. That amount of lumber was in the job.

Q. It is not possible it was made for some other ship? A. No, sir; here is the number.

Q. It is the number that gives you the idea?

A. And the sketch I had at the time.

Q. You have not the sketch here?

A. The sketches are in the office. [127—39]

Q. Where are they? A. They are in the office.

Q. In the office of the United Engineering Works?

A. Yes, sir.

Q. So that the only thing that makes you say that that particular lumber on August 28th went into the "Hilonian" was the number 5295 that went into the "Hilonian" appearing on the card?

A. Yes, sir, and the sketches.

Q. Where are the sketches?

A. They were presented to me.

Q. You have not seen the sketches recently for this particular job? A. Recently?

Q. Yes. A. No, sir, at the time I did.

(Testimony of Francis Dolan.)

Q. I am speaking now of your testimony here where you say that that lumber went in to the "Hilonian." A. Sure.

Q. The only thing that makes you say that now is this job number 5295? A. Sure.

Q. That refers also to the fifteen feet of lumber on August 26th does it not?

A. Yes, sir, in fact to everything.

Q. In fact everything in the yellow sheets?

A. Yes, sir.

Q. You had no other number that you worked on except this so-called job number? A. That is all.

Q. What was the job number for the job on the "Hilonian"? A. Whatever it says there.

Q. You did not have but one number?

A. There may have been two or three numbers.

Q. For the same job? A. For the same job.

Q. I asked you if there was not one number for the same job.

A. I would not vouch for that. Any number that you see there was presented to me.

Q. Here is a card dated September the 1st, with the number 5295 on it, which you have said was the matter which identified that work with the "Hilonian," that is correct? A. Yes, sir. [128—40]

Q. Now, I will turn to the next card which is September 3d, and I find this number 5325. How does that identify that material with the "Hilonian"?

A. Whatever sketch they presented to me had that number on, and I simply put it down there.

Q. That is not my point. I want to know what

(Testimony of Francis Dolan.)

identifies that with the "Hilonian"?

A. The fact that they gave it to me saying it was from the "Hilonian."

Q. Where does it appear it was from the "Hilonian"? A. On the sketch.

Q. The sketch shows "Hilonian" on it?

A. Yes, sir.

Q. How do you know it does if you have not seen it since 1909? A. The number would tell me.

Q. I asked you if you knew the numbers for the "Hilonian"?

A. That must have been for the "Hilonian" when the number was given to me.

Q. How do you know it was given to you, 5325?

A. Because I put it down there.

Q. It does not say anything about "Hilonian" on that slip?

A. It must have been on the sketch they gave to me asking for the work.

Q. Why must it have been. Why not for some other ship?

A. Because I took care not to be marking other numbers for other ships on the "Hilonian's" work.

Q. You must know that 5325 is a "Hilonian" number? A. Yes, sir, I must.

Q. What other numbers are "Hilonian" numbers?

A. That I could not tell you.

Q. How could you tell this one?

A. Because it was presented [129—41] to me on the sketch.

Q. You have not seen this sketch since 1909?

(Testimony of Francis Dolan.)

A. No, sir, but I made that in 1909.

Mr. FRANK.—I make the objection that at the time he did the job the numbers were presented there, and he knew it to be correct at the time he made the entry. He is not required to remember it to-day.

Mr. McCLANAHAN.—That is in the evidence, and we are not calling on you to testify.

Mr. FRANK.—No, but I am making objection to the manner in which you are examining the witness in view of the fact that you know that that is in the evidence.

Mr. McCLANAHAN.—Q. I show you also another card of September 11th with number 5325 on it. Have you any other explanation to make as to your knowledge that that work went into the “Hilonian”?

A. Yes, sir.

Q. What is the explanation?

A. I will tell you how they do that sometimes; for instance, that pintle was among the last that was done at that time. Now, as each little job came up they sometimes put it in under a different number. That explains that. That explains these various numbers.

Q. That is your explanation?

A. That is my explanation of it.

Q. That is your explanation of why you know that that work on September 11th went into the “Hilonian”? A. Yes, sir.

Q. I refer you now to the card of September 15th, numbered 5398, and ask you how you know that work went into the “Hilonian”?

A. It has the number again. [130—42]

(Testimony of Francis Dolan.)

Q. The number again? A. Yes, sir.

Q. You have no further explanation to make?

A. And of course the sketch given to me with the number on it, saying it was for the "Hilonian."

Q. I refer you to the card of September 17th and ask you how it is that you know that lumber went into the "Hilonian"? A. The same rule prevails.

Q. You are willing to testify under oath that 5325 is the job number of the "Hilonian"?

A. For that particular piece.

Q. And that 5398 is the job number of the "Hilonian"? A. For that particular piece.

Q. And number 5295 is the job number for the "Hilonian"? A. For that particular piece.

Q. And all the pieces on which 5295 appears?

A. Yes, sir.

Q. And all the pieces on which 5325 appears?

A. Yes, sir.

Q. Now, when this job leaves your department, the clerical work of it, the charging part, it goes into the office, I understand? A. Yes, sir.

Q. It still retains its job number that you had when it was in your department? A. Yes, sir.

Q. So that there is but one job number for the particular piece of work? A. Yes, sir.

Q. And that job number is recognized in the office as well as in the shop? A. Yes, sir.

Q. Do you know whether any other numbers are used in connection with particular classes of work done on ships?

(Testimony of Francis Dolan.)

A. Yes, sir, the same rule prevails on all ships, and on all jobs. [131—43]

Q. I am asking you if there is any other number other than the job number used in the United Engineering Works?

A. No, sir, everything is a job number.

Q. Everything has a job number?

A. Is a job number.

Q. There are other numbers used are there not besides job numbers?

A. No, sir, everything is a job number.

Q. Are you sure about that?

A. Yes, sir, everything is a job number.

Q. Everything has a job number?

A. Is a job number.

Q. And there are no other numbers used?

A. No, sir.

Q. So that if there are bills sent out from the United Engineering Works with numbers other than job numbers, you do not know what those numbers mean? A. No, sir.

Q. Do these job numbers run consecutively?

A. As a general rule they do.

Q. Take your mind back to August and September, 1909. You were doing other work at that time, were you not, besides the work on the "Hilonian"?

A. Yes, sir.

Q. Can you remember any of the ships that you were working on?

A. Well, no, I could not specify any single one

(Testimony of Francis Dolan.)

for the time being. I could if I had my book with me.

Q. But you know there were others?

A. Yes, sir, every day there is a new one comes in.

Q. The United Engineering Works were not running their establishment solely for the "Hilonian" job during that period? A. No, sir.

Q. Where does this lumber shown on this yellow slip, Exhibit 1, come from?

A. Sometimes they keep it underneath the [132—44] building.

Q. Do you get it out from under the building?

A. Yes, sir.

Q. You measure it?

A. Yes, sir. I know the amount that goes into a job.

Q. Answer my question. Do you measure it?

A. Do I measure the lumber, yes.

Q. Do you cut it?

A. Not all of it. The men cut their share.

Q. Do you measure it before or after it is cut?

A. I measure it, you might say, after the pattern is done.

Q. You measure the amount of lumber?

A. Yes, sir.

Q. You say, "you might say." Don't you know positively how you measure it, or when you measure it?

A. I know the amount of lumber that goes into a pattern from long experience.

Q. When do you measure it?

(Testimony of Francis Dolan.)

A. I measure it when the pattern is finished.

Q. You measure it when the pattern is finished?

A. Yes, that is when I measure it.

Q. You made but one piston follower for the "Hilonian" did you not, the pattern for one?

A. I could not tell you how many I made.

Q. Can you tell by examining your yellow sheets as to how many you made?

A. I could tell from the casting tags how many piston followers we cast.

Q. Where are the casting tags?

Mr. FRANK.—Right here.

Mr. McCLANAHAN.—Q. When you say they are right here, you refer to Libelant's Exhibit No. 2?

A. Yes, sir. [133—45]

Q. The white sheets? A. Yes, sir.

Q. Please tell me whether you made more than one piston follower for the "Hilonian"?

Mr. FRANK.—Take your time and go through it carefully, so that you will know what you are talking about.

A. (After examination.) There are two piston followers casting tags there.

Mr. McCLANAHAN.—Q. That is not answering my question. I want to know how many piston followers were made?

A. Two. It says two in the list. One in one place, and one in another. There is one place (pointing).

Q. You are now referring to foundryman's number 6235? A. Yes, sir, and 6286.

Q. How many piston followers did you make for

(Testimony of Francis Dolan.)

the low pressure piston? A. The castings?

Q. Yes. A. As many as were stated there.

Mr. FRANK.—Just consult the record.

A. That says one.

Mr. McCLANAHAN.—Q. That says one what?

A. There is one.

Mr. FRANK.—Give the witness a chance. He is answering your question.

A. That says one, and it is detailed all the way down.

Mr. McCLANAHAN.—Q. You are referring to foundryman's number 6286? A. Yes, sir.

Mr. FRANK.—Q. He is asking you for the low pressure piston. A. I beg your pardon.

Mr. McCLANAHAN.—Q. I want to know how many low pressure piston followers were made?

A. What about the low pressure? [134—46]

Q. My question is very simple and plain. I want to know how many low pressure piston followers you made for the "Hilonian"?

Mr. FRANK.—Look at your record, and then you can see.

Mr. McCLANAHAN.—Q. Examine the paper and answer. A. Did I make any?

Q. I am asking you.

A. Inasmuch as there are only two followers, and one says a 23 inch it is possible I might have called that a low pressure, but it might be an intermediate.

Q. You are now referring to the piston follower appearing on 6235, are you not? A. Yes, sir.

Q. Let us turn to the follower appearing on 6286.

(Testimony of Francis Dolan.)

Is that a low pressure follower?

A. That is a balance cylinder.

Q. So there is only one possible low pressure piston follower that you made for the "Hilonian" as shown by your records?

Mr. FRANK.—He did not say that he made any.

A. I did not say I made a low pressure. I only said I made two followers.

Mr. McCLANAHAN.—Q. I am asking you whether you made more than one low pressure follower? A. I did not say I made one at all.

Q. What did you say?

A. I say the records show there were two piston followers.

Q. Confine your answer now to the low pressure follower.

A. I do not say anything at all about the low pressure follower.

Q. I am asking you now—

A. If the record does not show that I got a casting for it [135—47] I did not make it at all.

Q. Did you make a casting for a low pressure follower? A. I do not know.

Q. What does this low pressure follower on 6225 mean?

A. 23-inch piston follower. That is the diameter of the cylinder.

Q. You do not know whether that would be a low pressure or not?

A. I beg your pardon. It is not a low pressure. That I do know.

(Testimony of Francis Dolan.)

Q. That is not a low pressure? A. No, sir.

Q. You are sure the one appearing on the other sheet, No. 6286, is not a low pressure follower?

A. Yes, sir.

Q. So that you want to say you made no casting for any low pressure follower?

A. Unless they are there, and there are none there for a low pressure.

Q. Then you made no casting for a low pressure follower? A. Unless it is there.

Q. Then if it is not there you did not make it?

Mr. FRANK.—What is the use of arguing with the witness. I object to the form of the examination. Ask the witness questions. Do not argue the case with the witness. He is not a lawyer.

Mr. McCLANAHAN.—Q. If a low pressure follower had been made you would have made the casting for it, would you not? A. Yes, sir.

Q. It could not have been made anywhere else in the shop? A. The pattern, no.

Q. Or the casting? A. Or the casting.

Q. These slips which have been introduced as Exhibit 2 [136—48] purport to represent the finished casting, or finished work in your department?

A. Yes, sir. I was done with it when it went out of my department.

Q. It represents the work that was done in your department? A. Yes, sir.

Q. How do you know that this work was all for the "Hilonian"?

A. The number and the sketch as usual.

(Testimony of Francis Dolan.)

Q. The sketch you have not seen since it was used?

A. No, sir.

Q. So it is the number that refreshes your mind now, is it not? A. And the fact that it is on there.

Q. And the fact that it is on here? A. Yes, sir.

Q. Where it is not on here it is simply the number that refreshes your mind?

A. You cannot separate them.

Q. Cannot separate what?

A. The fact that the number is there, and that I wrote it down there, and that I must have had the sketch for it when I made it.

Q. Where the slip does not show the word "Hilsonian" on it, the number is the only thing that refreshes your mind?

A. The possibilities are that the name of the boat was on the drawing too, and that I did not immediately write it down there. Sometimes I do not put the name of the boat, but the number, and it might be on the drawing.

Q. Did you ever make patterns without a sketch at all? A. Without a sketch?

Q. Yes.

A. Yes. I can make a pattern without a sketch if a person will tell me what they want.

Q. I ask you if you ever did? A. Yes, sir.

Q. It is not the practice though?

A. No, sir; for instance, [137—49] I can make a propeller without a sketch.

Q. The shop order numbers appearing on the slips of paper, marked Exhibit No. 2, are representatives

(Testimony of Francis Dolan.)

of the "Hilonian," are they? A. I beg pardon.

Mr. FRANK.—Let the witness see Exhibit No. 2.

Mr. McCLANAHAN.—I have it right here before me.

Q. What is the answer?

Mr. FRANK.—One moment. (To the witness.)
Do you know what the exhibit he refers to is?

A. I do not know what you allude to.

Mr. McCLANAHAN.—Q. There it is (pointing).

A. This one?

Q. That is what I am asking? A. Sure.

Mr. McCLANAHAN.—Q. Mr. Dolan, the weights which appear on sheets forming Exhibit No. 2 are the weights of material furnished to the office from which charges and bills are made up, are they not?

A. Yes, sir.

Q. Your only knowledge of piston followers made for the "Hilonian" comes from an inspection of Exhibits No. 1 and No. 2, does it not?

A. For the time being I would say, yes.

Q. And the weight of the material for the two piston followers appearing on the sheets forming part of Exhibit No. 2 are correct, are they?

A. Yes, sir.

Q. Now referring to your time-cards, as shown by Libellant's Exhibit No. 3, I find in looking over them that there is a 31 appearing at the top of them in red ink. What does that mean?

Mr. FRANK.—Show it to him.

A. That was a number put there by the office. It is something [138—50] they will have to tell you.

(Testimony of Francis Dolan.)

I could not tell you.

Mr. McCLANAHAN.—Q. Something put there by the office? A. Yes, sir.

Q. That you know nothing about? A. No, sir.

Q. In fact all of the red ink marks appearing on those cards were put there by the office, were they not?

A. Yes, sir. I might make a mistake, and he would call me up on the phone and I would have to check it.

Mr. FRANK.—Q. And those (pointing)? So as to the change in job numbers that was done with your sanction after you verified it?

A. Yes, sir, they would call me up about it.

Mr. McCLANAHAN.—Q. Do these time-cards which have been introduced in evidence as Exhibit 3 represent time done on the “Hilonian”?

A. Yes, sir, that is that portion of it which have the “Hilonian” numbers. I might have five jobs in each one of them.

Q. Can you tell me the “Hilonian” numbers without referring to the cards? A. No, sir.

Q. Can you tell me the “Hilonian” numbers by referring to the cards?

A. Yes, sir, by referring to my mental tags.

Q. I am speaking now of the time-cards that were made by yourself, as I understand it?

A. Yes, sir. I will take the numbers from them, put it on a piece of paper and answer you, yes.

Q. I want to know whether you can take these time-

(Testimony of Francis Dolan.)

cards, and from them tell me the “Hilonian” numbers?

A. Yes, sir, in relation to this; only that way.

Q. Please do so.

A. 6295 states it is for the “Hilonian.”

Q. Without confusing the record, please answer the question [139—51] simply. I want to know the numbers on those time-cards that refer to the “Hilonian” from the numbers. Just read the numbers. A. 5295; 5295 again.

Q. You have got that. We only want one number but once. A. There is another one.

Q. Read the number? A. 5295.

Q. The same number? A. Yes, sir.

Q. Do not read those again. Just the numbers that you have not read.

Mr. FRANK.—And also verify them.

Mr. McCLANAHAN.—He is under cross-examination.

Mr. FRANK.—I understand.

A. There are lots of 5295 there.

Mr. McCLANAHAN.—Q. In order to keep the record straight, just give us the numbers that refer to the “Hilonian” without any comment as appear by your time-cards. You have given us 5295. What other numbers?

Mr. FRANK.—Q. What Mr. McClanahan wants you to do is to go through this, and you had better go through it quietly. Take a piece of paper, and set off the particular numbers which, according to your jobs, were “Hilonian” numbers, and then give

(Testimony of Francis Dolan.)

him the numbers as they appear on your jobs there. Just take a piece of paper, and you and Mr. McClanahan will not get in any controversy about it. Check them up. Take your time, and do not be in a hurry; whether it is marked "Hilonian" on the card or not; go by the numbers.

A. 5295; 5325, and 5398. [140—52]

Mr. McCLANAHAN.—Q. In giving me this answer I notice that you have compiled your answer from an examination of Libelant's Exhibit 2, the white sheets? A. Yes, sir.

Q. That is not exactly what I asked you for.

A. It was the quickest way for me to answer you.

Q. Do you know the numbers that you have given me are all appearing on the time-cards, Exhibit 3?

A. I do not know that they are all.

Q. I want you to examine the time-cards and tell me what numbers are the "Hilonian" numbers?

A. Let me state a fact now. These are jobs for castings. There may be some job without any casting; for instance length-rods I gave out, and well—

Q. That is not pertinent to my question. I want you to examine the time-cards, and give me the numbers of them that pertain to the "Hilonian."

A. As far as that goes that stands, those three numbers.

Q. That is, the numbers appearing on the time cards which represent time given to the "Hilonian" work are 5295, 5325, and 5398? A. Yes, sir.

Q. Referring to that piston follower again, please tell me the number of pounds weight in the 23-inch

(Testimony of Francis Dolan.)

piston follower? A. 385.

Q. What is in the balance cylinder? A. 25.

Q. So that the weight of the two castings would be the sum of 385, and 25 pounds?

(An adjournment is here taken until to-morrow morning, Wednesday, August 16th, 1911, at 9:30 A. M. [141—53])

Wednesday, August 16th, 1911.

FRANCIS DOLAN, cross-examination resumed.

Mr. McCLANAHAN.—Q. Mr. Dolan, who in the office of the United Engineering Works gives to the job its number?

A. Sometimes the superintendent, and sometimes the timekeeper, but principally the timekeeper who has charge of the work, because all people must go to him for a job.

Q. Well, now, I go into the United Engineering Works to give them a job, I do not see the timekeeper, do I?

A. That is an explanation you can ask me for. You could come to me—our system is—you might come to me and ask me to make a hand-wheel for your automobile, and I can take the order from you, your name and address, and take it to the office and tell the clerk who is there to put in a number in for so and so, and then I can take it back to the shop.

Q. I want to find out now who in the office gives that number to the job? A. The timekeeper.

Q. The timekeeper of the office itself?

A. Yes, sir.

Q. Is there a timekeeper in the office? A. Yes.

(Testimony of Francis Dolan.)

Q. What was his name in August and September, 1909? A. I believe it was a Charles Scjoberg.

Q. Is he with the company now? A. Yes, sir.

Q. What does he keep the time on?

A. He just simply takes the cards from the men and I believe inserts it in.

Mr. FRANK.—Q. You say you believe. You understand it is only those things that you know about that you can testify to, not what you believe. If you know it, it is a fact.

A. I will ask you, Mr. Frank, if in view of that fact I can answer [142—54] the question?

Q. Whatever you know of your own knowledge you can answer to the best of your ability.

Mr. McCLANAHAN.—Q. Mr. Dolan, I asked you what he kept the time on. In what respect is he a timekeeper in the office?

A. I take my tickets and give them to him, sir.

Q. He is the man who does the clerical work after the time tickets are turned into him? A. Yes.

Q. He does not himself oversee the work of the men? A. No, sir.

Q. He has charge of the time-cards when they come into the office? A. Yes, sir.

Q. And that is what you call a timekeeper.

A. Yes.

Q. I believe you said yesterday that these job numbers are given to jobs consecutively?

A. Well, as a rule they are.

Q. I believe you said that the superintendent sometimes places to a job the number?

(Testimony of Francis Dolan.)

A. Yes, but it has to go through the rule in the office the same as I have to.

Q. Who was superintendent at that time?

A. Mr. Wilhelmson, isn't it?

Mr. FRANK.—Q. Do not ask somebody else about it. If you do not know, say so.

A. I beg your pardon.

Mr. McCLANAHAN.—Q. Spell the name?

A. W-i-l-h-e-l-m-s-o-n.

Q. Is he still with the company? A. Yes, sir.

Q. Still superintendent? A. Yes.

Q. No matter who gave a job number, it would be the next consecutive number following one job or the last in the office? A. Well—

Q. Do you understand my question?

A. Yes, I understand the question; that ought to be correct, unless we have something previous that might have been a job uncompleted. [143—55]

Q. For instance, if the job number on the last job turned into the works is 5295 and a new job comes in, it is given the number 5296? A. Yes, sir.

Q. Irrespective of who gives it to you? A. Yes.

Q. Irrespective of whether the job number is given to the new job by the superintendent or by the timekeeper? A. Yes.

Q. Or by yourself?

A. Yes. But we have to get those numbers from the timekeeper.

Q. I am not directing my inquiry to that.

A. I beg pardon.

Q. Well, when these yellow slips used by your de-

(Testimony of Francis Dolan.)

partment, which have been introduced as Exhibit 1, have been turned in by you who takes possession of them in the office?

A. Which yellow ones do you allude to?

Q. I said the yellow slips, Exhibit 1.

A. The material clerk. Do you allude to the material?

Q. The material clerk? A. Yes.

Q. Where and to whom do they ultimately pass?

A. To the gentleman who makes the bill up.

Q. What is his name? A. His name is Barker.

Q. Was he with the company in August and September, 1909? A. Yes, sir.

Q. Is he still with the company? A. Yes, sir.

Q. Between the receipt by the material clerk and the ultimate use of these slips by the bill clerk, what is done with them in the office?

A. I cannot answer.

Q. Do you know who handles them at all?

A. I told you Mr. Barker.

Q. I mean in the interim between the material clerk's handling them and the bill clerk.

A. No, I know not. [144—56]

Q. You don't know what use is made of them in the office? A. No, sir.

Q. After the bill clerk has used these slips do you know where they then go? A. They might—

Mr. FRANK.—Q. Not what they might, what you know? A. I don't know.

Mr. McCLANAHAN.—Q. They still remain, as far as you know in the possession of the company?

(Testimony of Francis Dolan.)

A. Yes, sir.

Q. Now, what you have said with reference to the handling of the yellow slips, Exhibit 1, applies to Exhibits 2, and 3?

Mr. FRANK.—Q. What are exhibits 2 and 3?

Mr. McCLANAHAN.—Q. We will take one at a time if Mr. Frank is confused—applies equally to Exhibit 2, which is the white sheets? A. Yes.

Q. Applies equally to the time-cards which have been introduced here as Exhibits 3, 4, 5 and 6?

A. Well, now, can I ask you a question? Is it fair for me to answer this question? They are outside of my department.

Mr. FRANK.—Q. Do you know about them of your own knowledge? A. No.

Mr. McCLANAHAN.—I will instruct him, Mr. Frank, if you please.

Q. Mr. Dolan, I do not want you to make statements you do not know about. I am assuming from the way that you have testified that you did know about it.

A. As a matter of my general information, that is my idea, that it is the duties of those men, but you know it is out of my line.

Q. You have been with the company a long while and you ought to know something about the way these matters are handled. Now, do [145—57] you know how these time-cards are handled?

A. Well, in the general way in which I have stated, is the general knowledge that I know of; but that is all I can say.

(Testimony of Francis Dolan.)

Q. They ultimately, as far as you know, pass to a bill maker, a bill clerk? A. That is about right.

Q. And that system, as far as you know, applies to all of these exhibits? A. Yes, sir.

Q. Do you know when the "Hilonian" first was delivered over to the United Engineering Works on this particular job?

A. On this particular job—well, my casting times or time-cards would tell you.

Q. I think you are mistaken about that.

A. No, sir; my casting cards.

Q. Your first casting card—

A. The time-card would be better.

Q. The time-cards would be better, would they?

A. Yes. I can help you out by stating that the first intimation I think we had of this job was the time that we made those large boxes for the main bearing.

Mr. FRANK.—Q. When you say "we" whom do you mean?

A. I mean the firm—when we made the box for the large bearings.

Mr. McCLANAHAN.—Q. They were made on August 26, Mr. Dolan, according to your time-card.

A. That was the time.

Q. As a matter of fact the "Hilonian" was turned over to you on August 23d?

A. Yes, I remember it did precede it. We got them ready according to the instructions.

Q. Now, you do not know how long she remained in the possession of the United Engineering Works?

(Testimony of Francis Dolan.)

A. No, excepting that would be a long time—it was a long time after I was finished with the castings—they would work on it afterwards. [146—58]

Q. Your last time-card is September 20th, and it was some time after that time?

A. Yes; the patterns would be got out first.

Q. So your time-cards do not give us an accurate statement of the time she was in the possession of the United Engineering Works under this job?

A. No, sir.

Q. Assuming that she was in the possession of the United Engineering Works from August 23 to September 24? A. Yes.

Q. Of course during that period you would not work exclusively on the “Hilonian”?

A. Not by any means.

Q. You made no separate treatment of your “Hilonian” time-cards, did you, or reports of material?

A. Oh, yes, separate treatment of all material.

Q. I mean in the handling of the slips; you passed them all into the company irrespective of whether it was the “Hilonian” or some other job you were working on? A. Yes.

Q. Day by day?

A. Sure. I won't say day by day. Sometimes I let them lay two or three days and then I would.

Q. Practically that? A. Practically that, yes.

Q. From that time, August and September, 1909, to this time you have not seen these slips, have you, that during that time you passed in? A. No, sir.

Q. Let us see; you commenced your examination

(Testimony of Francis Dolan.)

yesterday morning, did you not? A. Yes.

Q. When just prior to that had you first seen these various exhibits that have been introduced on your evidence since you passed them in in August and September, 1909?

A. I do not know that—there was one occasion in the office on the other side; on one occasion; I think only one or so, not more I think than two. [147—59]

Q. On the occasion when you saw them, the cards that you passed in in August and September—

A. One occasion over in the city office—over in our office on the other side, I mean.

Q. How long ago was that?

A. It may be two weeks ago; it may be two weeks, or may be one day last week. I do not remember just exactly.

Q. At the time they were first looked over again by you, who presented them to you?

A. Mr. Frank.

Q. Was he over there? A. Yes, sir.

Q. Do you know where he got them from?

A. He came over and got them from the shop.

Q. You did not give them to him? A. No, sir.

Q. So at that first occasion you had presented to you certain cards which to-day or yesterday were introduced in evidence; is that the idea?

A. That is right.

Q. Somebody other than yourself must have segregated the particular cards which you have introduced in evidence in this case from the other cards

(Testimony of Francis Dolan.)

of yourself which were used by you in August and September, 1909?

A. I can't tell you anything about that.

Q. You don't know who segregated them?

A. I don't know.

Q. It must have been that somebody in the office of the United Engineering Works took your entire set of cards for that period and extracted from it these particular cards; is that correct?

Mr. FRANK.—I object to that.

A. I could not tell you, sir.

Mr. FRANK.—One moment. That is not a proper question.

A. Pardon me, sir.

Mr. McCLANAHAN.—Q. At the time you first saw these cards a [148—60] couple of weeks ago, did anybody tell you on that occasion that job No. 5325 was a "Hilonian" job number? A. No, sir.

Q. Did you at that time look at the sketches for 5325? A. No, sir.

Q. Did anybody tell you at that time that job No. 5398 was a "Hilonian" job number? A. No, sir.

Q. Did you look at the sketches at that time?

A. No, sir.

Q. Of 5398? A. No, sir.

Q. Did anybody tell you that 5295 was a "Hilonian" job number at that time? A. No, sir.

Q. Did you look at the sketches for 5295 at that time? A. No, sir.

Q. Did you look at the sketches of any of these three job numbers, or rather have you looked at the

(Testimony of Francis Dolan.)

sketches of any of these three job numbers since then? A. I looked after them.

Q. But you have not looked at them?

A. I looked at several of them, yes.

Q. You looked at what?

A. I looked at several of them since then.

Q. What sketches for what job numbers did you look at?

A. Let's see. I think two or three of them. I think there were only three numbers, two or three of them.

Q. For what sketches of those three job numbers did you look at since two weeks ago?

A. I think we have them behind the doors there; I think the numbers are there.

Q. Answer my question.

A. You have to give me a chance to look at the sketches.

Q. You do not remember what sketches of what job numbers you looked at?

A. I just can't tell you the number; it is some of those three.

Q. You say the sketches are here in this office?

A. Yes. [149—61]

Q. When did they come here?

A. I believe yesterday.

Q. After your examination had closed?

A. I believe so. There is a correction to come in there. You asked me if I saw any of those numbers, and—

Q. I do not think I asked you any such question.

(Testimony of Francis Dolan.)

Mr. FRANK.—Let him finish his answer.

A. The idea was simply this way: I told you Mr. Frank was over there, but I had seen the card—I did not see the sketches but I could see the card there because I looked at one myself. Is that what you wish me to state?

Mr. McCLANAHAN.—Q. I do not know that that clarifies the situation. However, you can make any statement you want. A. All right, sir.

Q. When did you last see these sketches that are now in the office?

A. I saw one this morning and I think two last evening.

Q. Prior to seeing the two last evening you had never seen those sketches—you have not seen those sketches since the work was done, have you?

A. A year ago I brought a whole bunch of stuff I gathered and I looked for the rest of them and I found I had destroyed them, one year ago.

Q. Prior to seeing the two yesterday you had not seen those sketches before since the work was done?

A. No.

Q. Where is Mr. Robert Shepard?

A. He is in Alameda.

Q. Is he still in the employ of the United Engineering Works? A. No, sir.

Q. He would be the best man, would he not, to state what work he had done on the “Hilonian” during that period?

Mr. FRANK.—I object to that. That is for the Court to say, who would be the best man to say.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN. — Answer the question.
[150—62]

Mr. FRANK.—I object to it.

A. Shall I answer it?

Mr. McCLANAHAN.—Q. Yes; answer the question. A. I would give him the work to do.

Q. And he would be the best man to tell whether he did it or not, would he not, and the time he took?

Mr. FRANK.—Same objection. Do not argue with the witness.

A. Well, the gentlemen worked under my instructions, and I told them to do a certain piece of work, and that is all.

Mr. McCLANAHAN.—Q. Can't you answer that question? A. He could answer it.

Q. Is he the best man to tell the time he put on that job, better than you?

A. No, sir. I would be the best man.

Q. You are the best man to tell your own time, are you not?

A. And his time too, or any other person that works in my department.

Q. That answer applies to E. L. Clifford?

A. Applies to everyone in my department.

Q. Applies to every man that works in your department? A. Yes.

Q. Does it apply also to the use of the time clock by the men in your department? Are you better able to tell when they punched the time clock than they are?

Mr. FRANK.—I object to that as immaterial; the

(Testimony of Francis Dolan.)

time clock speaks for itself.

Mr. McCLANAHAN.—Unfortunately it is not in evidence.

Mr. FRANK.—The time clock's work is in evidence.

A. Well, I know the time I had them in the building, and I know that they are obligated for to punch that time clock any time they are under my jurisdiction. [151—63]

Mr. FRANK.—I would like to ask you, Mr. McClanahan, whether it is your contention that we are required to call every one of the 100 or more odd men who worked upon that job in order to prove those men's time or work?

Mr. McCLANAHAN.—Mr. Frank, to be perfectly frank with you, I will say now I do not think you are trying the case as I would try it. I think you are going to a lot of unnecessary trouble, but as you have started trying the case this way—

Mr. FRANK.—That is not an answer to my question. If you can instruct me in any way in which you would like me to try the case better than I am trying it now, I would be glad to hear of it.

Mr. McCLANAHAN.—Your method of trying the case is perfectly proper, though I do not think it is necessary, but as you have entered upon it, I am forced to pursue, follow after you.

Mr. FRANK.—If it is not necessary, I have been trying to get certain admissions from you for a long time that would render it unnecessary, because, as I understand it and have understood it indirectly from

(Testimony of Francis Dolan.)

your principals, there is a large portion of this bill which they do not dispute; but I have been unable to get any admission in the record upon that question, and therefore I am compelled to go into the details. Now, if there is any portion of this bill that you are ready to concede, so that we can prove that which you contest, why, I would be very glad to cut down the entire examination. I will say now that Mr. Diericx was invited to go over these details and check up this entire work in its detail, which you declined to do, and if you will check it up with us now we can do it now.

Mr. DIERICX.—When did you invite me to do that?

Mr. FRANK.—If you are disputing it we will put it in evidence [152—64] when the time comes.

Mr. McCLANAHAN.—Q. Are you a member of any union, Mr. Dolan?

A. Not at the present time.

Q. Were you at the time the work was done on the “Hilonian” in August and September, 1909?

Mr. FRANK.—What has that got to do with it?

A. I do not think so—I had a withdrawal card some years ago.

Mr. McCLANAHAN.—Q. What wages were you being paid in August and September, 1909?

Mr. FRANK.—We object to that as immaterial. There is a standard wage for each class of workmen that is recognized and charged for by all iron works, and it is not the wages of the men but the prices of the men that the party receiving the work pays for.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN.—Is that all a part of the objection?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Q. Answer the question.

A. \$5 a day.

Q. Were you classified as foreman or as a pattern-maker? A. Foreman pattern-maker.

Q. Foreman pattern-maker? A. Yes.

Q. What were pattern-makers paid?

A. \$5 a day.

Q. What was the foreman paid?

A. \$5 a day. And I will tell you why that was if you don't mind.

Mr. FRANK.—Never mind, Mr. Dolan.

Mr. McCLANAHAN.—Q. That is \$5 for each day worked? A. Yes.

Q. Suppose you worked on Sunday, what would you be paid? A. \$10 a day.

Q. And suppose you worked on holidays, how much would you be paid? A. \$10 a day. [153—65]

Q. When did your working hours commence on week days?

A. That was a nine hour day at that time, wasn't it, sir?

Q. I am asking you. Nine hours? A. Yes.

Q. Your card seems to indicate nine hours.

A. I think it was nine hours.

Q. When did your work commence?

A. At 7:20, to my recollection, at that time.

Q. 7:20? A. Yes.

Q. When did you stop work?

(Testimony of Francis Dolan.)

A. 10 minutes of 5, is my recollection.

Q. 10 minutes of 5? A. Yes.

Q. How much time was used by you at lunch or given you?

A. Half an hour, I believe, at that time. I think it is half an hour.

Q. Commenced at 7:20, stopped at 10 minutes of 5, and half an hour for lunch?

A. Yes; half an hour.

Q. Is that the time in your department for all the men? A. Yes, sir.

Q. Suppose you worked over that time?

A. I got overtime at the rate of time and a half till after 12 o'clock and then double time.

Q. That is, you got time and a half after 10 minutes to 5 up to 12 o'clock? A. Yes, sir.

Q. And then after 12 o'clock you got double time?

A. Yes, sir.

Q. As you would on Sundays and holidays?

A. Yes, sir.

Q. When you were working overtime, which would be after 5:20, you would be paid simply for the time you worked irrespective of the time you used for your meals during that time?

Mr. FRANK.—I am objecting to all of this class of examination on the ground it is incompetent and immaterial. It is immaterial [154—66] what these men were paid. There is a market value for wages established and recognized they are charged for, and it is immaterial what the men were paid at that time.

(Testimony of Francis Dolan.)

Mr. McCLANAHAN.—Q. Answer the question.

(The last question read by the reporter.)

A. Yes, that is correct.

Q. But when you were working straight time you worked nine hours but you were paid for more than nine hours, were you not?

A. No, sir, just nine hours.

Q. And the nine hours then is the time excluding the half hour for lunch? A. Yes, sir.

Q. The half hour is not in the nine hours?

A. No, sir.

Q. Of course you have to work your straight time before you came to be paid for your overtime, do you not? A. Yes.

Q. Is that the custom prevailing through the shop?

A. Each department has its own rule as to overtime, according to the union's dictation.

Q. But you cannot get overtime until you have worked straight time?

A. Well, there were rules at that time as regards the unions, that they could, but the other departments would have to answer that.

Q. Well, in your department, you cannot get overtime until you work straight time?

A. That is correct.

Q. This was a union shop, was it, at that time?

A. Yes.

Q. You never did any work on the ship itself, did you, the "Hilonian"? A. Yes, sir.

Q. Do you remember when that was?

A. I helped fill the stern bearing; I also worked on

(Testimony of Francis Dolan.)

the patch on the condenser and several of the other parts of the ship. I was down on the ship as regards [155—67] the patch, working on that, along with a man.

Q. Can you take your time-cards, Exhibit 3, and pick out the time from the cards that you worked on the ship? A. I believe I can.

Q. Mr. Dolan, please go through all the cards before you make any answer for the record.

A. (After examination.) All those.

Q. By "all those" you mean the work shown on the cards handed to me covering the three particular numbers that you have testified to?

A. Yes. Let me explain. They were not all made on the ship. Some were made in the shop, but those that were on the ship that are there, that had to be made there, I was there.

Q. Well, these cards represent labor performed by you on the ship?

A. Oh, no; sometimes in the shop and sometimes on the ship.

Q. Well, now, I will have to hand the paper back to you.

A. Pardon me; there are none that way; they are all mixed.

Q. You can't tell me then— A. I can.

Q. Wait a minute. You can't tell me from an examination of these cards what work you did on the ship? A. Sure.

Q. Have you handed me the cards that show the work done by you on the ship. A. Yes, sir.

(Testimony of Francis Dolan.)

Mr. FRANK.—Q. What do you mean by that? Let us understand each other.

A. All right. For instance, it says stuffing boxes; it says thrust box. We had to fit the job right there, had to fit the job right there. I had to be personally down there to do the work there. The patch was there and could only be made there and necessarily I was there.

Mr. McCLANAHAN.—Q. Now, Mr. Dolan, I did not ask for any explanation.

A. That gentleman asked me that. [156—68]

Mr. McCLANAHAN.—Mr. Frank can ask for that on redirect examination, not now.

Mr. FRANK.—It is more convenient to do it now.

Mr. McCLANAHAN.—Well, it is encumbering the record in a way that I do not want to be responsible for on my cross-examination.

Q. Did any one check your time on the ship?

A. No, but I checked others.

Q. On the ship? A. Yes.

Q. So that there were others working beside you in your department on the ship? A. Sure, sir.

Q. On the occasions just pointed out?

A. Those there, yes.

Q. The cards show that you did certain work certain days. A. Yes.

Q. The cards shown me by you just now?

A. Yes.

Q. Check them over if you wish—they show that on August 27, 28, and August 31, you did work on the ship; is that correct?

(Testimony of Francis Dolan.)

A. The 27th, 28th and 31st, yes.

Q. Is that correct? A. Yes.

Q. And that on September 1, 11, 12, 13, 14, 16, 17 and 18 you did work on the ship? A. Yes.

Q. Is that right? A. Yes.

Q. You were the only man that checked up that work, that time? A. In my department.

Q. Well, in any department.

A. In my department. I only talk for my own.

Q. You have said that you checked up the time done on the ship by your department. A. Yes.

Q. Was anyone else checking up that time?

A. Not that I know of.

Q. Do you know a man named Putzar?

A. Yes. [157—69]

Q. Did he have anything to do with checking up your time on the ship?

A. What his duties were, I don't know.

Q. He did not, as a matter of fact, check up any of your time?

A. What he done sir, I don't know.

Q. Well, your cards were turned in for the ship work as they were for the shop work, turned into the same officer in the office? A. Yes, sir.

Q. And the cards themselves do not show, by themselves do not show what was ship work and what was shop work? A. No, sir.

Q. Did you ever explain to any one how much time appearing by these cards should be charged to ship work and how much to shop work? A. No, sir.

Q. And you cannot now tell us? A. No, sir.

(Testimony of Francis Dolan.)

Q. What should be charged to shop and what should be charged to ship work, that is the amount of time? A. No, I could not tell you.

Q. Mr. Dolan, a job comes into the shop of the United Engineering Works and is given the number, say 500. A. Yes.

Q. That number, as you understand it, applies to all shop work? A. Yes.

Q. Suppose work is done on the ship, is the same number retained for the ship work?

A. That depends, sir. Unless they give you another number, it would apply.

Q. Giving another number would be something out of the ordinary? A. Oh, no.

Q. Usually it is given the same number, the same job?

A. Well, no. It depends upon the nature of the contract, or whether it is an extra; it might be a contract and might be an extra. [158—70]

Q. Are extras given different numbers from contract jobs? A. Yes.

Q. And are time jobs given a number different from the contract jobs?

A. Time numbers on extras, yes.

Q. You call those extras.

A. Yes, extras it would be.

Q. But as a rule, don't you think that the work done in the shop and the work done on the ship, if it is of the same class of work, that is, if it is all contract work, it is done under one number, is it not?

Mr. FRANK.—I object to what the witness thinks.

(Testimony of Francis Dolan.)

If he knows it is a different proposition.

Mr. McCLANAHAN.—This is cross-examination.

Mr. FRANK.—Even so you have no right to ask what he thinks.

Mr. McCLANAHAN.—You have your objection.

A. If it is a contract job and has a contract number, it would be all contract job.

Q. Shop and ship would have the same number?

A. Providing it is a contract number, yes.

Q. Providing it is a contract job?

A. Yes, providing it is a contract job, yes.

Q. Now, suppose a time job is brought into the office and it is given a number, isn't that same number in the ship and in the shop?

A. Well, only the office can answer that question.

Q. You cannot answer it? A. No, sir.

Q. Is there anything to distinguish a contract number from a time job number?

A. Just the fact.

Q. Nothing to distinguish it in the number itself?

A. No, sir, not possible.

Q. I mean by that the contracts and the time job work receive consecutive numbers? A. Yes.

[159—71]

Q. For instance, 5295, if that was a contract job, and the next job coming in was a time job, it would receive 5296 as a number? A. Yes, sir.

Mr. McCLANAHAN.—That is all.

· Redirect Examination.

Mr. FRANK.—Q. Mr. Dolan, now, so far as numbers are concerned, I understand those numbers are

(Testimony of Francis Dolan.)

gotten out in the office? A. Yes, sir.

Q. And applied to the particular job?

A. Yes, sir.

Q. You have nothing to do with that?

A. No.

Q. All you have to do is to receive it from the office, whatever number it may be?

A. Yes, excepting in one case, I am permitted, if a customer comes in and asks me to get out a piece of work, I am permitted to go in and ask them to give it a number.

Q. But no such exception occurred in this work?

Mr. McCLANAHAN.—I object to the question as leading, and I object to all that have been asked as leading, so far.

Mr. FRANK.—This is redirect examination.

Q. On this piece of work there is no such exception?

Mr. McCLANAHAN.—Same objection.

A. Not to my knowledge.

Mr. FRANK.—Q. Well, the Matson Navigation Company did not come to you for any work?

A. No, sir.

Q. So all the work that was done under these for the Matson Navigation Company on the “Hilonian,” the numbers were given to you from the office?

A. Yes, sir.

Q. And whether they were consecutive or not, you would have no means of knowing except by going up and consulting the office register? [160—72]

Mr. McCLANAHAN.—Objected to as leading.

(Testimony of Francis Dolan.)

A. No, sir.

Mr. FRANK.—Q. And with reference to the numbers, I understood you to say on your cross-examination that when you speak of jobs you don't mean the entire work, say on the "Hilonian," but each special piece of work.

Mr. McCLANAHAN.—I object to that as leading and suggestive.

Mr. FRANK.—Q. Is that what you said?

A. Yes.

Q. And each special piece of work has a number?

A. Provided they give it to me.

Q. Well, I understand, but that is the only knowledge you have as to the customary way in which the thing is done? A. Yes.

Q. Each special piece of work has a number?

A. Yes.

Q. So on the "Hilonian" there may be as many different numbers as there are different special pieces of work? A. Sure.

Mr. McCLANAHAN.—That is objected to as leading and suggestive.

Mr. FRANK.—Q. Now, with reference to these jobs on these time-cards that Mr. McClanahan has put in a bunch here as being cards in which you did work on the ship, would the entire work be done on the ship, or would it be done partly in the ship and shop? A. Partly in both places.

Q. Partly in both places? A. Yes.

Q. So when you have on this card one hour or four hours, that might be spent partly on the ship?

(Testimony of Francis Dolan.)

A. Yes.

Q. And partly in the shop? A. Yes.

Q. That is, no division is made; it is just charged?

A. Yes.

Q. And passed into the office as shop work?

A. Yes, sir.

Q. With reference to your own time-cards, in whose handwriting are they? A. My own.

[161—73]

Q. All in your own handwriting? A. Yes.

Q. Made out at the time? A. Yes.

Q. And then known by you to be correct?

A. Yes.

Mr. McCLANAHAN.—I object to this as improper redirect examination.

Mr. FRANK.—Q. With reference to the cards of the man handed you— A. Yes.

Q. —do you recognize the handwriting of the men?

A. Yes.

Q. Each one of them. A. Yes.

Q. You have looked over these cards?

A. Yes.

Mr. McCLANAHAN.—I object to this as leading, suggestive and improper redirect examination.

Mr. FRANK.—Q. And as I understood you upon your former examination each one of those as they came in were checked up by you and verified, as to the work and time? A. Yes.

Q. At the time they were made? A. Yes.

Mr. McCLANAHAN.—I object to that on the same grounds, going over the same matters which

(Testimony of Francis Dolan.)

were gone into on direct examination.

Mr. FRANK.—Q. With reference to the yellow slips about which you were asked, in whose handwriting are they?

Mr. McCLANAHAN.—Same objection.

A. My own.

Mr. FRANK.—Q. That is Exhibit No. 1. Now, the white slips, No. 2. A. My own.

Q. Your own handwriting? A. Yes.

Mr. McCLANAHAN.—Same objection.

Mr. FRANK.—Q. With respect to this work, do you know whether or not the “Hilonian” was a large or small vessel? A. A large vessel, sir. [162—74]

Q. Was there any other vessel at the dock during this time of her size?

A. No, not to my recollection.

Q. Well, you say, “not to your recollection.” Have you a recollection concerning it?

A. No, not of her size, positively not; not of her size.

Q. Not of her size? A. No.

Q. Now these castings that you have testified to in Libellant’s Exhibit No. 2, how are they made with reference to—are they made on a scale, particular size?

A. Particular size; and scale in some cases.

Q. Would they fit any other vessel?

A. Well, a small valve would fit another vessel, but the major portion of these castings would not.

Q. Well, the small valves that are in this, you

(Testimony of Francis Dolan.)

recognize them as a part, a necessary part of the whole work that you were performing, do you?

A. Yes.

Q. So outside of the particular numbers, from your knowledge of the nature of the work and the ships that were in the dock at the time you would know that that work would be for no other vessel than the "Hilonian"?

Mr. McCLANAHAN.—I object to that question as suggestive and leading, and not proper redirect examination.

A. Yes.

Mr. FRANK.—Q. You were asked yesterday concerning these tags, yellow slips, Exhibit No. 1, whether or not they were a duplication of any other entry in the tag-book, or rather the counsel said they are a duplication of another entry in the tag, and you said yes. By that what did you mean?

A. That my material—not my material but my cast-book is a [163—75] triplicate, one for myself, one for the foundry, and one for the office.

Q. Those are all made with one impression, are they not? A. With one impression.

Q. In other words, they are carbon copies, one writing? A. Yes.

Q. But the tags, Libellant's Exhibit No. 1, how are they made? A. These here?

Q. Yes.

A. They are the same way, that we tack on the end—the tag over here—and I just pull them out.

(Testimony of Francis Dolan.)

Q. I know, but when did you write them, the two sets of tags?

A. Usually the following morning, but sometimes I let two or three days pass with them before I would go back and fix them up.

Q. By fixing them up, you mean that they are still in the book alongside of the other tag, and you transferred the entry from one tag to the other tag; is that right? A. Yes. As I say, sometimes I let two days elapse.

Q. Before you made the entry?

A. Before I transferred them—that is the idea, before I make the entry.

Q. At the time you make the entry, though, have you the matter before you so as to— A. Yes.

Mr. McCLANAHAN.—I object to that as leading and suggestive.

Mr. FRANK.—I have not finished the question.

Q. (Contg.) —the matter before you so as to know the entry is correct? A. Yes, sir.

Mr. McCLANAHAN.—I still make the objection that it is leading and suggestive.

Mr. FRANK.—Q. When I say the “matter” I mean the material.

A. Yes, I know what you mean, Mr. Frank.
[164—76]

Q. That is the material would be there in the shop two or three days while you were working upon it.

A. Yes.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. When you finish the work you

(Testimony of Francis Dolan.)

make the entry? A. Yes; that is the idea.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—Q. Have you the original tag-book for these yellow slips, Libellant's Exhibit No. 1?

A. I believe I have.

Q. Where are they?

A. I believe I have them in the shop. As I said before I destroyed a whole bunch of them last year. I don't know whether that is among them, but I believe I have them.

Q. Will you look them up and if you find them produce them at a subsequent hearing here?

A. Yes.

Mr. McCLANAHAN.—We make no point that they are not duplications.

Mr. FRANK.—All right.

Q. You were asked yesterday about a piston follower. Have you since made an examination to find out about that? A. Yes.

Q. That does not happen to be in these slips?

A. No, sir.

Mr. McCLANAHAN.—I object to that as leading and suggestive. I will ask that my objection go into the record before the answer. He answers right at the end of the question so I can't get my objection in before.

Mr. FRANK.—It is just as good. And I would suggest to you that I am going to recall the witness because I notice that there is one bill there that I have not got the detail of. I will recall him to prove that the piston follower is included.

(Testimony of Francis Dolan.)

Q. When the work comes to you, Mr. Dolan, I understood you on [165—77] your cross-examination to say it comes to you usually in the form of a sketch? A. Usually.

Q. With the detail, telling you what is to be done?

A. Yes.

Q. And that sketch has a number on of the job?

A. Yes.

Mr. McCLANAHAN.—I object to the questions as being suggestive and leading.

Mr. FRANK.—Wait until I finish.

Q. That has a number of on the job, and that is all that comes to you with respect to that particular piece of work?

Mr. McCLANAHAN.—Same objection.

A. Yes, sir.

Mr. FRANK.—Q. Or is that all, or is there anything else that comes to you with respect to that piece of work? I will put it in that form.

A. No; nothing else, sir.

Mr. FRANK.—I think that is all for the present, but I will have to recall Mr. Dolan. I have forgotten something here.

The WITNESS.—In reference to—

Mr. FRANK.—Wait a minute.

A. Mr. Frank—

Q. I do not want your suggestion.

A. It is no suggestion; it is about the job, I was going to answer.

Q. Well, if you have anything to say.

A. There are lots of cases where they will bring

(Testimony of Francis Dolan.)

a casting up and not the sketch—if you will understand, the casting would be sent, in that sense; that is all.

Q. But in this case that was not done, was it?

A. It might have been possible that they would bring some old casting from there up to my place, and I would have to make a duplicate or something; it might have been possible.

Q. How would that casting be identified?

A. Well, just simply with—I would make it from that; that is all. [166—78]

Q. I know; but with respect to number?

A. Oh, the numbers are always the same.

Q. But how would the casting be identified as to number?

A. It would simply be put *be put*, the number, on the casting; that is all. That is the invariable rule.

Q. You were asked yesterday regarding your memory regarding this lumber, and whether you could recollect the lumber that went in any other ship and you told of your memory of some lumber for some other work that you had for Mr. Diericx, and it was suggested that you take things that were not for the Matson Navigation Company. Was Mr. Diericx connected with the Matson Navigation Company at the time of that other work?

A. I believe he was.

Q. With the aid of the memorandum here, such as you have introduced, Exhibit No. 1, and Exhibit No. 2—or Exhibit 1 we are referring to now particularly, could you refresh your recollection so that

(Testimony of Francis Dolan.)

you could remember any other vessels the same as you have this?

Mr. McCLANAHAN.—I object to that as improper redirect examination.

A. Yes, I can.

Mr. FRANK.—Q. So your particular memory in this case is refreshed by these particular cards; is that it?

Mr. McCLANAHAN.—I object to that as leading.

A. Yes, sir.

Mr. FRANK.—That is all. You can take the witness now.

Recross-examination.

Mr. McCLANAHAN.—Q. Mr. Dolan, among the many suggestive questions put to you, which you answered in the affirmative, is the [167—79] following. It was suggested to you that each special piece of work has a number and you said yes. Are you quite positive now that you should have given an affirmative answer to that suggested question?

Mr. FRANK.—I object to that because the witness has already testified to that same fact on his cross-examination.

A. Yes.

Mr. McCLANAHAN.—Q. Each special piece of work? A. Yes.

Q. What do you mean by that?

A. Well, I suppose—suppose that you are on the ship and you brought it to me as coming off that ship, you would say, “Dolan, make me one of these; the number is so and so.” That is all; that is the invariable rule.

(Testimony of Francis Dolan.)

Q. You said each special piece of work was given a separate number? A. Yes, sir.

Q. Now, making bearing-boxes, that is a special piece of work, isn't it? A. Yes, sir.

Q. And that would be given a number?

A. Yes, sir.

Q. Making seat valves, that would be a special piece of work, wouldn't it? A. Yes, sir.

Q. That would be given a separate number?

A. It would have its own number whatever it was.

Q. You do not mean it would be given a number different from the bearing-boxes if the bearing-boxes and the seat valves were the same job?

A. No, not so.

Q. You do not mean that each special piece of work was given a separate number, do you?

A. Yes, I do.

Q. How can you reconcile that statement with my suggestion that bearing-boxes would be one special piece of work and the making of seat valves another special piece of work, and they would [168—80] not have special numbers if they were both the same job, although given to you on different occasions?

A. Yes, you could. I understand it this way. They would give you the special bearing-box with the number and they would give you the seat valve with a number, and they were both for the same job.

Q. And they would bear the same number, wouldn't they? A. Oh, no.

Q. Let us see. On August 26, you did bearing-box work, did you not? A. Yes.

(Testimony of Francis Dolan.)

Q. Look at it. You did work under 5295, didn't you?

A. You are not talking about an exceptional case?

Q. I am talking about the facts of this case, under 5295. A. Yes.

Q. Look at them. On August 30 you did valve seat work, didn't you, under the same number 5295?

A. That is possible.

Q. How do you reconcile that with your statement that you—

A. All those things are under that number.

Q. How do you reconcile that with your statement made on your redirect examination that each special piece of work is given a separate number?

A. All right; he would bring in the valve, and the special number in that case would be that number.

Q. That is, all work brought in under one job is given the same number, isn't it?

A. Under one job?

Q. Yes.

A. Well, provided it was a contract job.

Q. Contract job given the same number.

A. Yes, in that sense.

Q. And where it is extra it is given a separate number? A. Yes.

Q. I omitted to ask you, Mr. Dolan, on my cross-examination some questions which I want to ask you now. How many men were in your department during August and September, 1909? [169—81]

A. Well, to my recollection, it is as many names as you see there; but there may have been more—

(Testimony of Francis Dolan.)

but to my recollection as many names as you see there.

Q. By that you mean Shepard, Reichhold and Clifford?

A. And there was another one there—there was not another one there but I had an apprentice with me too.

Q. What was his name?

A. His name is Smith.

Q. What were his initials? A. Edward.

Q. Edward Smith? A. Yes.

Q. He however did no work on the “Hilonian” job? A. Well, that I just can’t call up now.

Further Redirect Examination.

Mr. FRANK.—Q. Now, what do you mean by contract job? Does anything come into your office marked “contract” or otherwise?

A. Sometimes there are.

Q. Well, in this case?

A. No, not in this case. I do not know what the contracts are, very seldom I do know.

Q. So as applied to this case, you do not know anything about any distinction between contract jobs and other jobs? A. No, sir.

Mr. McCLANAHAN.—I object to that as suggestive and leading.

Mr. FRANK.—Q. What do you mean by the term “one job”?

A. Well, they are going over an engine, and they come to a valve that is bad; they bring it out and they bring it up and they would tell me to make that

(Testimony of Francis Dolan.)

on a certain number, and there might be, we will say, on the rudder of the ship, a pintle that would be found out later on, and they might tell me to make that thing under another number; I have to do it as they tell me. [170—82]

Q. In other words, when you say “one job” you do not mean all the work that is done on one vessel?

A. No, sir.

[Testimony of Robert Adamson for Libelant.]

ROBERT ADAMSON, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Adamson, what is your occupation? A. At present foreman machinist.

Q. How long have you been occupied in the business of machinist? A. As a machinist?

Q. Yes.

A. Oh, I have been a machinist since 1877.

Q. How long have you been employed with the United Engineering Works in that capacity?

A. Since 1903; November 10, 1903, I went to work for the firm, and I have been working there steady ever since.

Q. Were you employed with them in 1909 at the time the “Hilonian” was being repaired?

A. Yes, sir.

Q. In your machine-shop, how does the work come to you and how is it parcelled out among the men?

A. Well, sir, an order, the printed order, is handed in to me from the office and a list of work that is to be done on a ship, and when the work is brought into the shop from the ship I compare, I take note of it,

(Testimony of Robert Adamson.)

and see if it is on the list, I place the number of the job on it and place it where it is going to be worked on, either to the lathe or bench, or whatever department it is to be worked on, it is placed there; I place it there after I place the number on it and check it up.

Q. Where do you get the numbers from?

A. From the office.

Q. In what way?

A. On a printed order, the number of it; on [171—83] every job that comes into the works there there is a separate number from that shop, every separate boat I mean.

Q. Every separate boat? A. Yes.

Q. May there be more than one number that comes with a boat? A. Quite possible; yes.

Q. Then how are these numbers supplied to you?

A. They are supplied from the office the same as the numbers all come to me from the office; that is the way we get all the numbers, the number of each job.

Q. That is, the office gives you a list of numbers applying to each particular job and you keep those and when the work comes in you put the number on the work.

A. Yes, sir. On the piece as it comes—all the pieces that come under the head of that number I place that number on. There may be two numbers; there may be a contract number on a boat, and there may be other work done not under contract; of course, that comes under two separate numbers.

(Testimony of Robert Adamson.)

Q. But whether contract or not, that detail is not given to you, is it? A. Not in every case.

Q. No? A. Not in every case.

Q. Now, of course in the shop there is the work from different ships? A. Yes, sir.

Q. Do you have a list of those numbers?

A. Yes; I have a printed list on my desk.

Q. And numbers for each particular—

A. Each ship.

Q. That is, if there is one number you have one number for the ship, and if there are several numbers you have the several numbers.

A. Several numbers, yes, and the different pieces are specified under that number, what jobs should be done, and [172—84] what pieces are to be worked on, and what part of the machinery is to be worked on; that all comes under the heading for that; you see it will be stated what part of the machinery is to be worked on under a certain number; well, all that part of the machinery that goes in that machine, that goes into the ship, is numbered according to that heading, under the heading of which it comes.

Q. After you number it, what do you do with it?

A. Get it delivered to the lathe, if it is to be turned, or planing-machine, or whatever machine it is to be worked on, it is put there and goes to the charge of the man that is to work on it.

Q. How is it put there, whether under your supervision, or how?

A. Yes, I tell the man in the shop to deliver it to

(Testimony of Robert Adamson.)

that machine, and I see that it is there, and I give the man his instructions about it.

Q. You give the man his instructions?

A. As to what is to be done.

Q. That is, the man at the machine?

A. Yes, sir.

Q. What do you do with respect to the time or noting the time that the man at the machine takes the job and the time when he finishes it?

A. I take note of when I give the man the job and I know when the job is finished, and the time it comes off that machine, and then I know what time he has been on it, I know how long it takes.

Q. Now, with respect to the material that goes into those jobs, state whether or not you keep account of that material.

A. Well, in the first instance, they want so much material for one job. They come to me and get an order for it. I inquire what [173—85] part of the machinery they are going to put that on, and I find out if that is going to be necessary, if it is necessary to have that, and then I give them an order for it, and they get the material then from the storeroom under my initials, and that is brought and put on the job.

Q. Well, do you superintend that to see that that goes on the job? A. All on the job.

Q. Now, I wish you to go through these tags here and select out those that you have given orders for. Now, perhaps as you go through you had better identify them by giving them the number, for instance,

(Testimony of Robert Adamson.)

C5950. A. The tag number?

Q. Yes.

A. All right. I recognize that right away. Those were used on the eccentric strap. I remember that perfectly well. There is my initials to it.

Q. It is in your handwriting?

A. Yes; that is my initials, and my handwriting.

Q. That is C5950. A. Yes.

Q. Go on. The next one, is that your signature?

A. That is my signature. That went on the job. I cannot recall the little bit that went on but that went on the job all right.

Q. What I want you now is to identify the tags that you gave the orders for, wherever your signature is, of course.

A. I can verify wherever my signature is the material was used for the work. It was under my supervision at the time, and I knew that was ordered at that time and used; and I ordered that and signed the card for it.

Q. That is C5955.

A. Yes. Those were used on the eccentric strap.

[174—86]

Q. Give the number.

A. C5956. Those were used on the thrusts.

Q. It is immaterial where they were used, if you know that the material was used on that.

A. Yes, that material was used on that job.

Q. On the "Hilonian."

A. Yes. C5957. There is my signature to it; that was used also; that was my signature to that.

(Testimony of Robert Adamson.)

Q. C5958?

A. Yes. That is my signature there; that went on too, C5961. That also went on the job, C5962. That is mine too, C5963; C5964, that also went on. That is also my signature, C5965. That is my signature there too, and that went on C5966; C5977; C5986; C5987. Mr. Putzar came personally about that order to me. I remember that personally. B6803, B6805, B7702; A1, A9, A12, A22, A28, A10, A31, A32, A34, A37, A41, A43, A44, A45, A47, A48, A49, A54, A63, A74, A75, A76, A77, A81, A92, A94, A95, A97, A1017, A1027, A1029, A1077, A1088, A1090, A1098, A1100, A1104, A1115, A1117, A1121, A1128, A1125, A1146, A1150, A1157, A1154, A1160, A1175, A1179, A1181, A1184, A1192, A1194, A1197, A1202, A1203. I wrote that order too, but I omitted to put my initials to it.

Q. Is it in your handwriting?

A. In my own handwriting, every bit of it.

Q. What is the number?

A. A1204, A1212, A1217, A1220, A1221, A1223, A1228, A1229, A1230, A1231, A1233, A1234, A1236, A1244, A1247, A1248, A1253, A1257, A1258, A1260, A1269, A1274, A1275, A1276, A1281, A1283, A1284, A1285, A1290, A1292, A1295, A1296, A1298, A1299.

(A recess was here taken until 2 P. M.) [175—87]

AFTERNOON SESSION.

ROBERT ADAMSON, direct examination resumed.

The WITNESS.—The next is A1300. There are none more there.

(Testimony of Robert Adamson.)

Q. Now, Mr. Adamson you have looked over each one of these sets of tags, and called off the numbers of those which were made out to you, is that right?

A. Yes, sir.

Q. When were those tags made out?

A. During the day-time; during the working day; during the time that the "Hilonian" was at the dock.

Q. That is on the day which they bear date?

A. Yes, sir. They were issued on that date. The material was issued by the storekeeper on the date on which the tags were made out.

Q. And brought where?

A. Brought to the machine-shop.

Q. And what did you do with it?

A. I saw that it was put on the jobs that were in the shop.

Q. How about weighing it. How was it weighed?

A. It was weighed in the storeroom and the weight marked down by the storekeeper.

Q. Did you weigh it?

A. I did not weigh it, what was issued in the store-room, but the material which was got out of the shop I weighed it personally, saw it and put the weight down.

Q. The material that went into the work in the shop you weighed yourself? A. Yes, sir.

Mr. McCLANAHAN.—I object to that as leading and suggestive. The witness did not say that. He said that which was weighed in the storeroom was weighed by somebody else; that which was weighed in the shop was weighed by himself. [176—88]

(Testimony of Robert Adamson.)

The WITNESS.—That is the way it stands.

Mr. FRANK.—Q. Whatever the fact is let us have it.

A. The material that was issued in the storeroom on these tags was weighed by the storekeeper and the weight put on the tags.

Q. And what material was it that you weighed?

A. The material that we keep in the shop in the shape of iron for studs, brass rods for studs, and one thing and another that was weighed by me personally, and the weight put on the tags. There is lots of material we do not keep in the shop that we get from the storeroom.

Q. I wish you had told me that before, then I would have had you distinguish them as you went over the tags. I am afraid you will have to go over it again.

A. That is very easily done. If you will give me the first lot of tags that I had I can show you them all right.

Q. Just give the numbers of those that were weighed in the storeroom, and the rest will be those that were weighed by you.

A. C5950 was weighed by me.

Q. Do not do that. Leave out those that were weighed by you and give us those that were weighed in the storeroom, then we will understand that the rest of them that you do not give were weighed by you.

Mr. McCLANAHAN.—Just give the numbers.

A. I will give the numbers of the ones that were not weighed by me, and were weighed in the store-

(Testimony of Robert Adamson.)

room. I think most of them are on the second bunch.

Mr. FRANK.—Q. You will have to go through them now and we will have to take our time with it.

A. (After examination.) There is nothing in that bunch. [177—89]

Q. Take the next bunch.

A. A9. The weight is given here as weight in the storeroom.

Q. What is that?

A. 4 sheets of tin 24 inches square, Russian iron, 5 pounds. It is the Russian iron that is weighed. They do not weigh the tin. It is given by the size. 20 by 28. A12, 8 pieces of No. 26, 4 inches by 72 inches, sheet iron, 11 pounds. A28, 1 piece of $\frac{1}{2}$ inch by 6 inches, round brass, 8 ounces. A31, 1 piece $\frac{5}{16}$ by 12 inches, round cold rolled steel, $\frac{1}{2}$ pound. A32, 1 piece $\frac{3}{16}$ by 12 inches, round brass.

Q. How much?

A. $\frac{1}{2}$ pound. There is a piece of $\frac{3}{16}$ by 12 inches, cold rolled steel included in that.

Q. Included in that $\frac{1}{2}$ pound?

A. Yes, sir. The 2 pieces are included in that $\frac{1}{2}$ pound.

Q. Rolled steel? A. Yes, sir.

Q. That is not the rolled steel you had first?

A. No, sir. That is altogether different. A34, 1 piece $\frac{1}{8}$ by $5\frac{1}{4}$ square sheet brass, $11\frac{1}{2}$ pounds. A41, 1 piece $\frac{3}{4}$ by 18 inches, round tobin bronze, 16 pounds. A45, 1 piece of $\frac{5}{8}$ by 36 inches, round bronze, $3\frac{1}{2}$ pounds. A54, 1 piece $\frac{1}{2}$ inch by 12 inches square cold rolled steel, $\frac{1}{2}$ pound. A63, 1

(Testimony of Robert Adamson.)

piece $\frac{1}{4}$ inch by 16 by 18 inches, sheet brass, $9\frac{1}{2}$ pounds. A94, 1 piece $\frac{3}{8}$ by 12 inches, round cold rolled steel, $\frac{1}{2}$ pound. A89, 1 piece $\frac{3}{8}$ by 6 inches, round cold rolled steel, $\frac{1}{4}$ pound. A1027, 25 pounds of rags. A1098, 1 piece No. 26 by 6 inches by $6\frac{1}{2}$, sheet iron, $\frac{1}{2}$ pound. A1115, 1 piece $\frac{1}{4}$ by $3\frac{1}{2}$ by 10 inches, sheet of brass, 3 pounds. 1 piece $\frac{3}{8}$ by 18 inches, round brass, $\frac{3}{4}$ pound. A1146, 5 pounds smooth-on. A1175, 1 piece of Russian iron, [178—90] 24 inches square, 5 pounds. A1194, 6 pieces of Russian iron, $3\frac{3}{8}$ by 6 feet 1 inch, 11 pounds. A1212, 1 piece $\frac{1}{4}$ by 20 inches, round cold rolled steel, 6 ounces. A1217, 1 piece $\frac{1}{16}$ by 5 inches by 16 inches, sheet brass, $2\frac{3}{4}$ pounds. 1 piece of Russian iron, 30 inches square, $6\frac{3}{4}$ pounds.

Q. The same number?

A. The same number. On the same order. A1229, 2 bars of solder, 3 pounds. A1231, 1 piece of $\frac{3}{8}$ by $1\frac{3}{4}$ inch, square cold rolled steel, 1 ounce. A1233, 1 bar of solder, $1\frac{1}{2}$ pounds. A1236, 1 piece No. 14 by $14\frac{1}{2}$ by 4 feet 6, sheet iron, 20 pounds. A1247, $6\frac{3}{4}$ hexagon brass nuts, $1\frac{1}{2}$ pounds. A1248, 1 piece of $2\frac{1}{2}$ by $17\frac{1}{2}$, round machine steel, 25 pounds. A1253, 1 piece $\frac{1}{16}$ by $16\frac{1}{2}$ inches, square King packing, $1\frac{3}{4}$ pounds. A1269, 1 piece 12 by $7\frac{1}{2}$ by 13 inches, sheet iron, 4 pounds. A1296, 2 pieces $\frac{1}{16}$ by $5\frac{1}{2}$ inches, square sheet brass, 1 pound. A1300, 2 pieces $\frac{1}{4}$ by $3\frac{1}{2}$ by $6\frac{1}{2}$, sheet brass, $2\frac{1}{2}$ pounds. That is all.

Q. All the rest, I understand you, was weighed by yourself? A. Yes, sir, weighed by myself.

(Testimony of Robert Adamson.)

Q. Who is the storekeeper? A. Mr. Roberts.

Q. What can you say, Mr. Adamson, concerning your knowledge at the time that these records were made of their correctness?

A. I will guarantee they were all correct, every card that I made out.

Q. And the material that went into that work?

A. And the material that went into that work.

Q. As you look over the records now do you recognize the material as material that went into that work? [179—91]

A. A great amount of it; most of it I can recognize as having gone into that work.

Q. From your present recollection as well?

A. Yes, sir.

Q. Now, Mr. Adamson, I show you a time-card, or a set of time-cards, with the name of C. Schmidt on them, and ask you to examine them and state whether or not those are the time-cards of one of the men working upon this job in the shop under your supervision.

A. Yes, sir. I recognize that all right. That man worked at a lathe in the machine-shop. That is all machine work.

Q. State whether or not you kept this man's time and checked it up. A. Yes, sir.

Q. On this card?

A. Yes, sir, you will find my check on all these cards. You will find my check against every item down, checked every day.

Q. That is you took and saw that the card was

(Testimony of Robert Adamson.)

right with respect to the man, the number of the job, the hours of the work and the articles worked on, is that right?

Mr. McCLANAHAN.—I object to that as leading and suggestive.

A. That is right.

Mr. FRANK.—Q. What did you do with these cards. After you checked them what did you do with them?

A. I turned them over to the timekeeper.

Q. That is in the office?

A. In the office I had no more to do with them after that.

Q. I notice here on the card of September 18th, the job No. 5398 and the “98” in red ink; what, if anything, have you to say in [180—92] explanation of that?

A. For this reason. I discovered that he put the wrong number on the job at the time I was checking it over. He put the wrong number on the job he was working on. I checked it at the time and the timekeeper while I was there marked it with red ink to my order.

Q. To your order? A. Yes, sir.

Q. Were you present when that change was made?

A. I was present when that was changed. It is only under my instructions that he will change that.

Q. Does that apply to all the cards where changes of that sort are made in your department?

A. As far as I know, I never knew them to alter the cards without my knowledge.

(Testimony of Robert Adamson.)

Q. They do alter them with your knowledge and your statement? A. Yes sir.

Q. That is the result of your checking up?

A. Yes, sir.

Mr. FRANK.—I will just have this marked “Adamson No. 1.”

Mr. McCLANAHAN.—We object to the offer as incompetent, irrelevant and immaterial, hearsay and self-serving.

(The cards are marked Adamson No. 1.)

Mr. FRANK.—Q. I have here another batch of cards C. Schmidt, dated September first, second, third, fourth, tenth and eleventh. Kindly examine those. (Handing.)

A. They were all checked off at the time and I guarantee they are according to the time that he worked, and the jobs that he was working on. They were all checked off by me at the time.

Q. You knew them to be correct at the time that the entries were made? A. Yes, sir.

Q. What you have stated concerning the cards marked “Adamson [181—93] No. 1,” all applies to these cards?

A. Applies to these cards the same. They were all checked off and found correct when they were checked off.

Mr. FRANK.—I will ask to have these cards marked “Adamson No. 2.”

Mr. McCLANAHAN.—I make the objection that the offer is incompetent, irrelevant and immaterial,

(Testimony of Robert Adamson.)

hearsay and self-serving, not binding on the respondent.

(The cards are marked Adamson No. 2.)

Mr. McCLANAHAN.—May I ask a question?

Q. This last exhibit, "Adamson No. 2," the man is the same man as Adamson No. 1, is he not? The same man is it?

A. It is a different bunch of cards he is referring to.

Q. But it is the same man? A. The same man.

Mr. FRANK.—They are different dates.

Q. Now, I hand you a batch of cards bearing date, September twelfth, thirteenth, seventeenth, eighteenth and nineteenth, with the name of John Benson. Just examine those cards and tell us whether or not they are the cards of a man working on that job on the "Hilonian" at the time there mentioned, and whether or not the number of hours, the numbers of the jobs, and the nature of the work are truly entered there?

A. The number of the jobs, and the time given on the number is all right. [182—94]

Q. I forgot to ask you concerning Adamson No. 1 and No. 2, whether the entry of the occupation is right also? A. Yes, sir.

Q. Machinist?

A. Yes, sir, machinist. He is a machinist. He is a drill-press man; a machinist; he works the drill-press.

Q. He is the machinist that works the drill-press?

A. Yes, sir.

(Testimony of Robert Adamson.)

Q. These cards were written up by you at the time? A. Yes, sir, and found correct.

Q. And found correct? A. Yes, sir.

Q. And so handed in to the office?

A. And so handed in to the office.

Mr. FRANK.—I will ask that that be marked Adamson No. 3.

Mr. McCLANAHAN.—I object to the offer as being incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 3.")

Mr. McCLANAHAN.—I object to the offer as being incompetent, irrelevant, immaterial, hearsay, self-serving, and not binding on the respondent.

Q. I now hand you the cards under date of August 31st, September 1st, September 2d, September 3d and September 4th, also under the name of John Benson, and ask you to examine them and state whether or not they were cards of a man working under you on that job, and whether the job numbers, time and nature of the work are correctly entered upon the cards and checked up by you at the time that the work was done (handing)?

A. Yes, sir, they were all written up according to the time [183—95] that I found on them at the time.

Q. And at the time you knew them to be correct?

A. Yes, sir.

Q. This man was also a machinist working on the drill?

A. It is the same man as was on that former

(Testimony of Robert Adamson.)

package of cards. He still works on it.

Mr. FRANK.—I ask that that be marked Adamson No. 4.

Mr. McCLANAHAN.—I make the same objection, incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked “Adamson No. 4.”)

Mr. FRANK.—Q. I now show you cards bearing the name of Philip Mockel, under date of August 31st, September 8th, September 9th and September 11th, and ask you whether or not the same thing that you have testified to as to the previous cards applies to them?

A. Yes, sir. They are the same as the others. I say the same thing about them as the others.

Q. And you knew them to be correct at the time that they were made? A. Yes, sir.

Q. I notice on the card of August 31st of Mockel, a notation in black ink underneath the number of hours. Will you look at it and tell us what that means?

A. That is out of my jurisdiction. I check off the straight time, and the timekeeper adds the overtime. That is the overtime in pencil there.

Q. In other words, it is the practice for you to turn in all time as straight time?

A. As straight time.

Q. Then if there is overtime worked the timekeeper makes the addition?

A. It is marked “overtime” by the man who writes it out, but he only puts straight time on it.

(Testimony of Robert Adamson.)

We are not allowed to do that. That is the rule that is printed on the back of the card. [184—96]

Q. It says "overtime" here?

A. Yes, sir, it is the actual time he did work.

Q. What is the overtime allowed to a man in your department? A. In the shop?

Q. Yes.

A. From quitting time at half-past 4 up to 12 o'clock, it is a time and a half. From 12 o'clock up to starting time in the morning it is double time.

Q. You turn in for straight time, and he adds to it the proportion in the manner in which you have just indicated?

A. Exactly; that is the way it is done.

Mr. FRANK.—We ask to have that marked "Adamson No. 5."

Mr. McCLANAHAN.—I make the objection that it is incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 5.")

Mr. FRANK.—Q. Now, I have here another batch of cards of P. Mockel, dated September 12th, 13th, 14th, 15th, 17th, 20th and 21st, and ask you to examine them and indicate whether or not they were made and checked up and handled by you in the same manner as the other cards already testified to?

A. There is one card there which I have not checked off. He worked on a Sunday when I was not there to check it up. All the others I can vouch for.

Q. Which card is that? A. That first card.

(Testimony of Robert Adamson.)

Q. September 12th?

A. This one here (pointing). He either worked on a Sunday or a holiday. I do not know what date that came in, but I was not there to check it off.

Q. Did it pass through your hands at all?

A. No, sir, that has never passed through my hands; at least if it did I did not check it because I could not guarantee [185—97] that he had been there and I would not check it. Probably I did not get the card and may not have been there that day. Probably I went over it, but that is one that I would not guarantee, and it is the only one.

Q. It could not get to the office except through your hands, could it? A. I beg pardon.

Q. It would not go to the office except through your hands?

A. It would go to the office if it was work on a Sunday. It would be collected on Sunday night and put in the office. It would be the Saturday cards that I would check off, or Saturday night cards that I would check off Monday morning the first thing.

Q. Where is Mockel?

A. Mockel came into the employ of the firm this morning again. I put him on to work before I came over this morning. He has been away for some 18 months working at other places.

Q. How did he come there? Just came there and applied for work?

A. Just came there and applied for work.

Q. And you put him on? A. Yes, sir.

(Testimony of Robert Adamson.)

Mr. FRANK.—I guess we will get Mockel here unless Mr. McClanahan is willing to accept that on the same basis as the others.

A. These holidays they worked on that boat; that was mostly on the boat, and I had nothing to do with that. I did not check the time for that.

Mr. McCLANAHAN.—Q. How do you identify this September the 12th card as being one that you did not check up?

A. There is no check mark on it.

Q. Where is your check mark on the others?

A. There it is (pointing).

Mr. FRANK.—You can cross-examine him afterwards. [186—98]

Mr. McCLANAHAN.—I do not think we will ask you to call Mr. Mockel.

Mr. FRANK.—We may consider this as having been identified as the rest of them?

Mr. McCLANAHAN.—Yes.

Mr. FRANK.—We ask that this be marked Adamson No. 6.

Mr. McCLANAHAN.—We object to the offer on the ground of its incompetency irrelevancy, immateriality, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 6.")

Mr. FRANK.—Q. Now, I hand you a set of time cards with the name of John P. Wojdacki, dated September 22d, September 14th, 15th, 17th and 21st, and ask you to examine them and state whether they are subject to the same testimony that you have given

(Testimony of Robert Adamson.)

with respect to the other cards as to the manner in which they have been checked up and as to their authenticity.

A. Yes, sir, I say the same about them.

Q. You know these to be correct at the time that you passed them into the office; is that right?

A. Yes, sir, that is right.

Mr. FRANK.—I will ask that this be marked Adamson No. 7.

Mr. McCLANAHAN.—The same objection that it is incompetent, irrelevant, immaterial, hearsay, self-serving and not binding on the respondent.

(The cards are marked “Adamson No. 7.”)

(An adjournment is here taken until to-morrow, Thursday morning, August 17th, 1911, at 9:30 o'clock.) [187—99]

Thursday, August 17th, 1911.

ROBERT ADAMSON, direct examination resumed.

Mr. FRANK.—Q. Now, Mr. Adamson, did you last night after the adjournment take these cards and go over each one of them to ascertain whether or not they were correct, and were cards that were checked up by you for the man upon this particular work?

A. Yes, sir; I went over every one of them last night before I left here.

Mr. McCLANAHAN.—I do not know what cards you are referring to.

Mr. FRANK.—I am going to identify them, Mr. McClanahan.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Is he referring to cards he went over yesterday in the case?

Mr. FRANK.—No. Last night after we adjourned—I told you if we adjourned we would be able to expedite this thing, instead of having the witness go over and examine the cards as he did yesterday, as it took so much time—after we adjourned last night I had him sit down and take the cards and go over them.

Mr. McCLANAHAN.—There have been examined the cards of four men, and seven exhibits have been introduced in evidence. Does the witness in his answer refer to other cards than those?

Mr. FRANK.—Yes; the cards I am going to take up now. I will take them in detail, and we will have him identify them as we go along.

Q. I now present to you a time-card with the name of D. Stimmel, dated August 29th, August 30th, August 31st, September 1st, September 2d, September 3d, September 8th, September 9th, September 11th, September 12th and September 13th, and ask you [188—100] if you have examined those cards, and if you have, to state whether or not those are the cards of a man employed in your department at the time therein stated on the work therein stated, and whether or not you checked up the time, job numbers, and jobs, as in the other cases, and believed them to be correct at the time, and passed them into the office in the same manner as you have testified respecting the other cards?

A. Yes, sir, I examined all these last night, and

(Testimony of Robert Adamson.)

declare they were correctly checked off at the time, and that man worked on jobs all that time, and I checked off his cards every morning.

Q. Checked them off in the manner I have indicated in my question? A. Yes, sir.

Mr. FRANK.—I ask that that be marked “Adamson No. 8.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The card is marked “Adamson No. 8.”)

Mr. FRANK.—Q. I now hand you the time-cards of George Driscoll, dated August 27th, August 30th, August 31st, September 1st, September 8th and September 11th, and ask you whether or not those cards are the cards of a man working in your shop at that time, and whether the time, the job numbers and the nature of the work were checked up by you in the same manner as the others, and known by you to be correct at the time that you checked them up, and passed by you into the office?

A. Yes, sir, every one.

Q. And all other testimony respecting the other cards applies to this as well?

A. Applies to this set of cards.

Q. To each of these sets of cards?

A. Yes, sir. [189—101]

Mr. FRANK.—I ask to have that marked “Adamson No. 9.”

Mr. McCLANAHAN.—I object to the offer on the

(Testimony of Robert Adamson.)

ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked "Adamson No. 9.")

Mr. FRANK.—Q. I now hand you time-cards of Willie Zaddart. Before we go on with him, let me ask you this: Take "Adamson No. 9," the occupation of George Driscoll was what?

A. He was a machinist in the machine-shop, and he alternately worked at the machine and on the floor, either a floor or machine hand.

Q. Was he a full machinist or what?

A. He was an apprentice machinist, and I think in his last year. They get all the branches of the trade in the shop. They work on the machine and they work on the floor just as they are required.

Q. The same as a full machinist?

A. The same as a full machinist.

Q. Do the same work? A. Do the same work.

Q. And Stimmel, I noticed his occupation is not marked on the card.

A. He is working on the floor.

Q. "Adamson No. 8"?

A. Yes, sir. He is working on the floor most of the time; he gets on the machine once in a while.

Q. What is he rated as in the work, what occupation? A. An apprentice machinist.

Q. An apprentice machinist? A. Yes, sir.

Q. He stands in the same category—

A. In the same category as Driscoll.

Q. Now, we will take up Willie Zaddart, dated

(Testimony of Robert Adamson.)

August 30th and 31st, [190—102] September 1st, September 2d, and September 3d, and ask you if you have examined those cards, and whether or not they are subject to the same testimony that you have already given respecting the other cards, as to a man working in your department on your work, and whether you checked up his time, job numbers, and work that he was on, and found it to be correct at the time before you passed it in?

A. Just the same; I checked them off at the time as being correct.

Q. And so far as his occupation is concerned?

A. He is a machinist.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 10.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 10.”)

Mr. FRANK.—Q. I show you a card of Howard Beneleit, dated September 8th.

A. Yes, sir; that is checked off as correct.

Q. Correct? A. Yes, sir; by me.

Q. He worked in your department?

A. Yes, sir, in my department, as a machinist.

Mr. FRANK.—I ask to have this card marked “Adamson No. 11.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompe-

(Testimony of Robert Adamson.)

tent, hearsay, self-serving, and not binding on the respondent.

(The card is marked "Adamson No. 112.") [191—103]

Q. I now hand you a time-card of Alfred Boyer; is that the right name? A. Yes, sir.

Q. Dated August 24th, 25th, 26th, 27th and 28th, and ask you if you have examined that, and whether that is the card representing the time of that man in your department during the time indicated and checked up by you, the time kept by you the same as the rest of them, and the job numbers, hours of work, and articles worked on, and found by you to be correct and so certified at the time the work was done?

A. I found them to be correct. They were correctly checked off at the time.

Mr. FRANK.—I ask to have these cards marked "Adamson No. 12."

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked "Adamson No. 12.")

Mr. FRANK.—Q. I now hand you the cards of Alfred Boyer under date of September 12th, 13th, 14th, 15th, 16th, 17th and 19th, and ask you if you have examined them, and whether they are subject to the same testimony as the other cards respecting your keeping of the time, checking them up, job number, hours worked, articles worked on, and your knowledge of their correctness at the time they were

(Testimony of Robert Adamson.)

made and handed into the office?

A. Yes, sir; I make the same statement in regard to these.

Mr. FRANK.—I ask to have these marked “Adamson No. 13.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 13.”) [192—104]

Mr. FRANK.—Q. I now hand you some more cards of Alfred Boyer under date of August 29th, 30th, 31st, September 1st, September 2d, September 3d, September 4th, September 5th, September 6th, September 7th, September 8th and September 9th, and ask you whether you have examined those and whether or not they are the time-cards of that man working in your department at the time stated, whose time you kept and checked up, the job numbers, the hours worked, the articles worked on, and knew them to be correct at that time when you handed them into the office?

A. Yes, sir. I knew them to be correct when they were handed into the office, and they were checked off by me and were handed into the office.

Q. Are all these men machinists?

A. All machinists.

Mr. McCLANAHAN.—All what men?

Mr. FRANK.—Q. All in your department?

A. Not all in my department. They were helpers.

(Testimony of Robert Adamson.)

Q. This man is also a machinist?

A. He is a machinist.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 14.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 14.”)

Mr. FRANK.—Q. I now hand you the time-cards of H. Strangyan. Is that the name? Look at it yourself. Do you know the man? Here is another one. A. I know the man personally.

Q. See how he spells his name. Here is one. It is S-t-r-o-w-e-n-j-a-n-s, H. G., under date of August 27th and August 28th, and ask you whether or not those are the cards of a man in your [193—105] department working upon this job at the time indicated, that the job numbers, hours worked, and articles worked on were checked up by you at the time, then known by you to be correct, and so handed into the office by you?

A. Yes, sir, they were correct.

Q. Not only correct, but all the rest of the matter also? A. Yes, sir.

Mr. McCLANAHAN.—I object to that as leading. I think it is correct; it covers the whole thing.

Mr. FRANK.—I do not want to have any question about it, whether it covers it or not. If you admit that it covers it, that is all.

Mr. McCLANAHAN.—I do not want you to

(Testimony of Robert Adamson.)

testify; that is the point.

Mr. FRANK.—I am not testifying. You can very readily understand I am saving time. If you want to encumber the record by my asking the questions on each one so as to make sure, I can do it.

Mr. McCLANAHAN.—You asked him the question and he said yes; that covers it. I do not see the necessity for anything else.

Mr. FRANK.—Very well.

I ask that these cards be marked “Adamson No. 15.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, incompetent, immaterial, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 15.”)

Mr. FRANK.—Q. Here is another series of cards of the same man dated September 12th, 13th and 14th. I ask you whether you have examined those cards?

A. Yes, sir, I have examined them, [194—106] and declare they were correctly checked off by me.

Q. They were checked off by you at the time?

A. Yes, sir.

Q. The job numbers, the hours worked, the articles worked on, and were then known by you to be correct? A. Yes, sir.

Q. And so handed in by you to the office?

A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 16.”

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked “Adamson No. 16.”)

Mr. FRANK.—Q. I now hand you the cards of the same man under dates of August 29th and 30th, September 1st, September 2d, September 3d, September 4th, September 5th, September 6th, September 8th, September 9th, September 11th and September 14th, and ask you whether those are the cards of a man that worked in your department on this job during the times indicated, and whether or not you checked up the job numbers, the hours worked, articles worked on, at the time, and knew them to be correct, and as such passed them in to the office?

A. Yes, sir, they were checked off by me as being correct and turned in to the office.

Q. What was the occupation of that man?

A. Machinist.

Mr. McCLANAHAN.—By that man, you mean Strowenjans?

Mr. FRANK.—Whatever his name is.

I ask to have these cards marked Adamson No. 17.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent. [195—107]

(The cards are marked “Adamson No. 17.”)

Mr. FRANK.—Q. I now show you the time-card of C. W. Higgins, dated August 27th.

(Testimony of Robert Adamson.)

A. Yes, sir, that was correctly checked off.

Q. And I ask you if that is the man who worked in your department during that time, and if you kept his time, checked off his job numbers, hours worked, articles worked on, and found them to be correct at that time, and so handed in to the office?

A. Yes, sir.

Q. What was his occupation?

A. Machinist's apprentice.

Q. In the same category as the other apprentices that you have testified to? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 18.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked "Adamson No. 18.")

Mr. FRANK.—Q. I now show you the cards of C. W. Higgins under date August 30th, 31st, and September 6th.

A. Yes, sir. That card was written out by that man and checked off by me as being correct.

Q. And known to be correct by you at the time it was handed in to the office? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 19.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving, and not binding on the respondent.

(Testimony of Robert Adamson.)

(The cards are marked "Adamson No. 19.")

[196—108]

Mr. FRANK.—Q. What was Higgins' occupation? A. Machinist's apprentice.

Q. I now hand you the time-cards of G. Martioli under date of August 26th, 27th and 28th, and ask you whether or not those cards are correct, checked up by you, in the same way and known by you to be correct at the time and passed into the office?

A. Yes, sir, they were checked by me and handed in to the office as being correct at the time, the correct numbers at the time marked on each.

Q. The correct job numbers, hours worked, and articles worked on? A. Yes, sir.

Q. What was his occupation?

A. He was a machinist's helper.

Q. Machinist's helper? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 20.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 20.")

Mr. FRANK.—Q. I have here the time-cards again of G. Martioli under date of September 12th, 13th, 15th, 16th, 18th, 19th, 20th and 21st, apparently two, and ask you whether or not those are the time-cards of that man, checked up by you in the manner in which you have already testified as being correct, and known by you to be correct at the time, and

(Testimony of Robert Adamson.)

passed in to the office?

A. They were all checked off by me at the time and found to be correct according to the numbers and jobs too.

Q. I notice here what appears to be two September 21st cards. [197—109]

A. Yes, sir; they were checked off by me. There is some discrepancy in the dates in these two cards which at the present time I cannot recall how it could happen, but it is there and has been checked off.

Q. You knew they were right at the time?

A. Yes, sir; they were right at the time. They are not both for the same one date. There is some mistake in the date there.

Q. That is what I am trying to get at. I notice the date on one has been changed by lead pencil.

A. Yes, sir.

Q. Is that your change?

A. That is not my changing.

Mr. FRANK.—I ask to have these cards marked “Adamson No. 21.”

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 21.”)

Mr. FRANK.—Q. I now show you some time-cards of G. Martioli under dates of August 30th and 31st, September 2d, 3d, 4th, 6th, 8th, 9th, 10th, 11th, 14th and 24th, and ask you whether or not those

(Testimony of Robert Adamson.)

are the cards of a man working in your department at the time indicated, and the time, job numbers, hours worked and articles worked on, kept by you and found by you to be correct at the time and handed in?

A. Yes, sir. One card there is signed by Allen. He was working for the blacksmith. I sent him to the blacksmith-shop that day and he was helping the blacksmith all day, and his card was signed by Allen.

Q. And returned to you?

A. And returned to me.

Q. That is the card of September 24th?

A. Yes, sir, the last one. [198—110]

Q. Mr. Allen checked up his time?

A. Yes, sir, he checked up his time and signed for it before the card came to me.

Q. With that exception all the other cards are cards that were kept at the time and checked up, the job numbers, the hours worked and articles worked on, and known by you to be correct at the time they were passed in? A. Yes, sir.

Mr. FRANK.—I think I will take that one out of this lot and ask that the rest of them be marked Adamson No. 22, and the Allen card marked Adamson No. 22½.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 22" and "Adamson No. 22½.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. Now, I show you the time-cards of William Hay under dates of September 13th, 14th, 16th, 20th and 21st, and ask you whether or not those are the cards of a man working in your department at the times indicated, and if you kept the time, checked up the job numbers, hours worked and articles worked on, and so passed it in the office as correct, knowing it to be correct at the time that you did so? A. Yes, sir.

Q. What was the occupation of that man?

A. Crane-man; he worked on the electric crane.

Q. How did he rank, as a machinist, or has he a special rank?

A. He has a special rank of his own; he is above a helper and under a machinist, between the two. That is a special job, to run this electric crane.
[199—111]

Mr. FRANK.—I ask to have these cards marked Adamson No. 23.

Mr. McCLANAHAN.—I object to the offer on the ground that it is immaterial, irrelevant and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 23.”)

Mr. FRANK.—Q. I now show you a set of time-cards of William Hay under date August 29th, 30th, and 31st, September 1st, September 2d, September 3d, September 4th, September 5th, September 6th, September 7th, September 8th, September 9th and September 10th, and ask you whether or not those are the cards of a man working under you on the

(Testimony of Robert Adamson.)

dates mentioned, whose time you kept, and whether you checked up his job number, his hours worked, and articles worked on, and knew these cards to be correct at that time and passed them into the office?

A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 24.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 24.”)

Mr. FRANK.—Q. I now show you the time-cards of William Hay dated August 25th, 26th, 27th, and 28th, and ask the same questions of you as the one preceding.

A. My answer is the same in regard to that.

Q. Known by you to be correct at the time they were passed in? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 25. [200—112]

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving, and not binding on the respondent.

(The cards are marked “Adamson No. 25.”)

Mr. FRANK.—Q. I now show you the time-cards of James McDonald under date of August 26th, 27th, 28th, 30th, and 31st, September 1st, September 2d, September 3d, September 4th, September 7th, September 8th and September 9th, and ask you whether

(Testimony of Robert Adamson.)

they are cards of a man working in your department at that time, whose time you kept, and if you checked these up as to job numbers, hours worked and articles worked on at the time, and knew them to be correct, and as such passed them into the office?

A. The same as the others; he is a machinist's helper.

Mr. FRANK.—I ask to have these cards marked Adamson No. 26.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial and incompetent, hearsay, self-serving and not binding on the respondent.

(The cards are marked "Adamson No. 26.")

Mr. FRANK.—Q. I now hand you the time-cards of James McDonald September 12th, 13th, 18th and 20th, and ask you if that was a man working in your department at the times indicated whose time you kept, and whether you checked up the job numbers, hours worked, articles worked on, and knew them to be correct at the time and so passed them into the office? A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 27.

Mr. McCLANAHAN.—I object to the offer on the ground that it is irrelevant, immaterial, incompetent, hearsay, self-serving [201—113] and not binding on the respondent.

(The cards are marked "Adamson No. 27.")

Mr. FRANK.—Will it be understood that the same questions are intended to be asked each time,

(Testimony of Robert Adamson.)

and that the witness' answer, saying yes, is an answer affirming the facts the same as if I specifically put the questions to him?

Mr. McCLANAHAN.—Certainly. Will you agree, if I say, "the same objection"?

Mr. FRANK.—Yes.

Q. I now show you the time-cards of James Kasener under date of August 31st, September 5th, September 6th, September 7th, September 9th, September 11th, September 2d, and August 31st, and ask you the same questions as before.

A. Yes, sir, they are all correct.

Q. I notice that there are two cards dated August 31st.

A. He worked in the morning the first half of the day, and was told he was to work all night. He went home in the afternoon and came back at night, and that is his second card for the same day.

Mr. FRANK.—I ask to have these cards marked Adamson No. 28.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 28.")

Mr. FRANK.—Q. I now hand you some more cards of James Kasener under date of September 12th, 13th, 14th, 15th, 17th, 19th and 21st.

A. Yes, sir.

Mr. FRANK.—I ask to have these cards marked Adamson No. 29.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 29.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I now hand you the time-cards of W. L. Megow under date of September 3d, 4th, 8th, 10th and 11th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 30.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 30.")

Mr. McCLANAHAN.—I wish you would put in the occupation of these men.

Mr. FRANK.—If I am not sure about it, I ask that, but it is on the card.

Mr. McCLANAHAN.—Kasener and Megow are the only ones you have omitted.

The WITNESS.—They are machinists, both.

Mr. FRANK.—Q. Mr. Adamson, you might name the occupation as you go along. A. All right.

Q. I now show you two cards of W. L. Megow dated September 16th and September 18th.

A. Yes, sir. They are the same.

Mr. FRANK.—I ask to have these cards marked Adamson No. 31.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 31.")

Mr. FRANK.—Q. I now show you the card of Charles A. Wilson, dated September 12th.

A. He is a machinist. That is all correct.

Mr. FRANK.—I ask to have these cards marked Adamson No. 32.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 32.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I now show you the cards of Charles A. Wilson under date of September 1st, 6th and 9th, and ask you the same questions as before.

A. He is the same man. That [203—115] is correct.

Mr. FRANK.—I ask to have these cards marked Adamson No. 33.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 33.")

Mr. FRANK.—Q. I now show you the cards of John P. Wojdacki under date August 30th and 31st, September 1st, 2d, 3d, 5th, 6th, 7th and 8th, and ask you the same questions as before.

A. He is a machinist. My answer is the same.

Mr. FRANK.—I ask to have these cards marked Adamson No. 34.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 34.")

Mr. FRANK.—Q. I now show you the time-cards of F. L. Fleming under date of September 8th, 10th and 11th, and ask you the same questions as before.

A. He is a machinist; the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 35.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 35.")

Mr. FRANK.—Q. I show you now some more time-cards of F. L. Fleming dated September 13th, 14th, 15th, 16th and 17th, and ask you the same questions as before. A. The same answer.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have these cards marked Adamson No. 36.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 36.”)

Mr. FRANK.—Q. I show you a set of time-cards of Rudolf Shafer, dated August 30th, September 1st, September 5th, September 6th and September 10th, and ask you the same questions as before.
[204—116]

A. He is a machinist; I make the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 37.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 37.”)

Mr. FRANK.—Q. I show you now a set of time-cards of C. F. Peaslee, under date of September 7th, 8th, and 10th, and ask you the same questions as before.

A. He is a machinist. I make the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 38.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 38.”)

Mr. FRANK.—Q. I show you a set of time-cards of Joe Larrando dated September 12th, 13th, 14th, 15th, 16th, 17th, 20th and 21st, and ask you the same questions as before?

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 39.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 39.”)

Mr. FRANK.—Q. I show you another set of time-cards of Joe Larrando under date of August 31st, September 1st, 2d, 3d, 4th, 7th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 40.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 40.”)

Mr. FRANK.—Q. I show you a time-card of A. B. Watson dated September 15th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 41. [205—117]

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 41.”)

Mr. FRANK.—Q. I show you this card of A. B. Watson dated September 8th, and ask you the same questions as before.

A. The same answer. He is a machinist.

Mr. FRANK.—I ask to have this card marked Adamson No. 42.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 42.”)

Mr. FRANK.—Q. I show you a set of cards of C. Chaquette under date of August 30th and 31st, September 1st, 2d, 3d, 4th, 10th, and 11th, and ask you the same questions as before.

(Testimony of Robert Adamson.)

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 43.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 43.”)

Mr. FRANK.—Q. I show you another set of time-cards of C. Chaquette under date of September 13th, 14th, 15th and 16th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 44.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 44.”)

Mr. FRANK.—Q. I show you a set of time-cards of V. Williams, dated August 30th, 31st, September 1st, 8th, 13th, 14th 15th, 16th, 17th, 18th, 20th and 21st, and ask you the same questions as before.

A. He is a machinist; the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 45.

Mr. McCLANAHAN.—The same objection.

[206—118]

(The cards are marked “Adamson No. 45.”)

Mr. FRANK.—Q. I show you a set of time-cards of J. B. Pennycott, dated September 12th, 13th, 14th, 15th, 17th, 18th and 20th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 46.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 46.”)

Mr. FRANK.—Q. I show you another set of time-cards of J. B. Pennycott under date of August 30th, 31st, September 1st, 2d, 4th, 5th, 6th, 7th, 9th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 47.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 47.”)

Mr. FRANK.—Q. I show you a set of cards of John C. Mello, dated September 13th, 19th, 20th, 21st and 26th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 48.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 48.”)

Mr. FRANK.—Q. I can show you another set of cards of John C. Mello, dated August 27th and 28th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 49.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 49.”)

[207—119]

Mr. FRANK.—Q. I show you another set of cards of John C. Mello dated August 30th, 31st, September 2d, 4th, 5th, 6th, 8th, 9th, 10th, 10th, and

(Testimony of Robert Adamson.)

11th, and ask you the same questions as before. Examine the two September 10th's and explain.

A. The same answer. I make the same remark in regard to that as I did to the other ones of the two dates.

Q. What is that?

A. There must have been some change made in the dates. They are both of one date there. That is not my alteration in pencil.

Q. The lead pencil alteration, the one that is blurred? A. Yes, sir; it is not my alteration.

Q. At the time the cards went in you knew it was correct for that day in which it went in?

A. Yes, sir, it was marked off there.

Q. Just examine the one that was September 3d, and changed to the 10th, and the one of September 4th with the articles worked on and see if that will explain the cards.

A. It does explain it. In my opinion that should be September 3d instead of September 10th.

Q. That is the original number on there was correct? A. Yes, sir.

Q. And the change in lead pencil was wrong.

A. Yes, sir. He was working on the eccentric strap on the 3d and 4th.

Q. The one here that is marked by the machine stamp was September 3d should not have been changed? A. Should not have been changed.

Mr. FRANK.—I ask to have these cards marked Adamson No. 50.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.
[208—120]

(The cards are marked “Adamson No. 50.”)

Mr. FRANK.—Q. I now show you a set of time-cards of J. L. Chandler dated August 28th, September 16th, 17th, 19th, 20th and 21st, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 51.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 51.”)

Mr. FRANK.—Q. I show you another set of cards of J. L. Chandler dated August 30th, 31st, September 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th and 11th, and ask you the same questions as before.

A. They are all correct.

Mr. FRANK.—I ask to have these cards marked Adamson No. 52.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 52.”)

Mr. FRANK.—Q. I show you a set of cards of W. V. Thomas, dated September 1st, 5th, 6th, 7th, 8th, 9th, and 10th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 53.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 53.”)

Mr. FRANK.—Q. I show you another set of cards

(Testimony of Robert Adamson.)

of W. V. Thomas, dated September 12th, 15th, 19th, and 21st, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 54.

Mr. McCLANAHAN.—The same objection. [209—121]

(The cards are marked “Adamson No. 54.”)

Mr. FRANK.—Q. I show you another set of cards of W. V. Thomas, dated August 25th, 26th, 27th, and 28th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 55.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 55.”)

Mr. FRANK.—Q. I show you now a set of cards of J. Sucher, dated September 1st, 3d, 4th and 8th, and ask you the same questions as before.

A. He is a machinist. I make the same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 56.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 56.”)

Mr. FRANK.—Q. I show you another set of cards of J. Sucher dated September 13th, 14th, 15th, 16th, 20th, 21st and 22d, and ask you the same questions as before? A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 57.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 57.”)

Mr. FRANK.—Q. I show you a set of cards of Fenton Young dated September 1st, 2d, 3d, 5th, 6th, 7th, 10th and 11th, and ask you the same questions as before? A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 58.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 58.”)

[210—122]

Mr. FRANK.—Q. I show you another card of Fenton Young dated August 28th and ask you the same questions as before? A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 59.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 59.”)

Mr. FRANK.—Q. I show you another set of cards of Fenton Young dated August 15th, 16th and 17th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 60.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 60.”)

Mr. FRANK.—Q. I show you a card of Gus Albers under date of September 12th and ask you the same questions as before.

A. He is an apprentice machinist. That is correct.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have this card marked Adamson No. 61.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 61.”)

Mr. FRANK.—Q. I show you another card of Gus Albers dated September 28th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 62.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson No. 62.”)

Mr. FRANK.—Q. I show you a set of cards of David Doig, Jr., under date August 27th and 28th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 63. [211—123]

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 63.”)

Mr. FRANK.—Q. I show you another set of cards of David Doig, Jr., dated August 29th, 30th and 31st, September 2d, 6th, 8th, 9th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 64.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson No. 64.”)

Mr. FRANK.—Q. I show you another set of cards of David Doig, Jr., dated September 12th, 13th, 14th, 15th, and 17th, and ask you the same questions as be-

(Testimony of Robert Adamson.)

fore. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 65.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 65.")

Mr. FRANK.—Q. I show you a set of cards of Axel Persson, dated August 27th and August 28th, and ask you the same questions as before.

A. He is an apprentice machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 66.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 66.")

Mr. FRANK.—Q. I show you another set of cards of Axel Persson of August 31st, September 1st, September 3d, September 4th and September 7th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 67.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 67.")

[212—124]

Mr. FRANK.—Q. I show you another card of Axel Persson dated September 14th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 68.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Adamson No. 68.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I show you two cards of John Ross dated September 14th and 15th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 69.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson No. 69.")

(A recess was here taken until 2 P. M.) [213—125]

AFTERNOON SESSION.

ROBERT ADAMSON, recalled, direct examination resumed.

Mr. FRANK.—Q. I now show you a set of time-cards of N. P. Hicks under date of September 13th, 15th, 16th, 17th, 18th and 20th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 70.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked "Adamson No. 70.")

Mr. FRANK.—Q. I show you two time-cards of N. Vasen under date of September 13th and 16th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 71.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked "Adamson No. 71.")

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I now show you another set of time-cards of N. Vasen under date of August 30th and 31st, September 1st, September 2d, September 7th, September 8th, and September 10th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 72.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 72.”)

Mr. FRANK.—Q. I show you another set of time-cards of N. Vasen under date of August 27th and August 28th, and ask you the same questions as before. A. The same answer. [214—126]

Mr. FRANK.—I ask to have these cards marked Adamson No. 73.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 73.”)

Mr. FRANK.—Q. I show you a set of time-cards of Tore Francisco under date of August 27th and August 28th, and ask you the same questions as before. A. He is a helper. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 74.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 74.”)

Mr. FRANK.—Q. I now show you the time-card of Jose Francisco under date of September 13th, and

(Testimony of Robert Adamson.)

ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 75.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 75.”)

Mr. FRANK.—Q. I now show you a set of time-cards of Tore Francisco, under date of August 30th, 31st, September 1st, 2d, 3d, 4th, 7th and 8th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 76.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 76.”)

Mr. FRANK.—Q. I now show you a set of time-cards of George A. Dunn under date of August 30th, 31st and September 6th, and ask you the same questions as before. [215—127]

A. The same answer. Mr. Dunn is a machinist.

Mr. FRANK.—I ask to have these cards marked Adamson No. 77.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 77.”)

Mr. FRANK.—Q. I now show you the time-card of Rudolf Dolenski under date of August 28th, and ask you the same questions as before.

A. He is a machinist. The same answer as regards that.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have this card marked Adamson No. 78.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 78.”)

Mr. FRANK.—Q. I now show you another set of time-cards of R. Dolenski under date of August 30th, August 31st, September 1st, September 2d, September 3d, and September 4th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have those cards marked Adamson No. 79.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 79.”)

Mr. FRANK.—Q. I show you the time-card of J. Jackson under date of September 1st, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 80.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 80.”)

Mr. FRANK.—Q. I now show you two time-cards of B. Materne under date of August 30th and August 31st, and ask you the same questions as before.
[216—128]

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 81.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 81.”)

Mr. FRANK.—Q. I now show you a set of time-cards of James P. Gordon under date of September 14th, 15th, 16th, 17th, and 21st, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 82.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 82.”)

Mr. FRANK.—Q. I show you another time-card of B. Materne under date of August 28th and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 83.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 83.”)

Mr. FRANK.—Q. I now show you the time-card of M. D. Souza under date of September 10th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 84.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 884.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. I show you a set of time-cards of M. D. Souza under date of September 13th, 14th, 15th, 16th and 22d, and ask you the same questions as before. [217—129] A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 85.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 85.”)

Mr. FRANK.—Q. I now show you a set of time-cards of H. Sutherland under date of September 1st, 2d, 3d, and 4th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 86.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 86.”)

Mr. FRANK.—Q. I now show you the time-card of J. Cameron under date of August 23d, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 87.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 87.”)

Mr. FRANK.—Q. I now show you two time-cards of F. Pickersgill under date of September 17th and 20th, and ask you the same questions as before.

(Testimony of Robert Adamson.)

A. He is an apprentice machinist. The same answer to that.

Mr. FRANK.—I ask to have these cards marked Adamson No. 88.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 88.”)

Mr. FRANK.—Q. I show you a set of time-cards of F. Pickersgill under date of September 8th, 10th and 11th, and ask you the same questions as before. [218—130] A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 89.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 89.”)

Mr. FRANK.—Q. I now show you two cards of G. D. Doig under date of September 16th and 20th, and ask you the same questions as before.

A. He is a helper. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 90.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 90.”)

Mr. FRANK.—Q. I now show you another set of time-cards of G. D. Doig under date of September 8th, 10th and 11th, and ask you the same questions as before. A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 91.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 91.”)

Mr. FRANK.—Q. I now show you a set of time-cards of George Cuthbert under date of August 30th, September 14th, and September 18th, and ask you the same questions as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 92.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 92.”)

Mr. FRANK.—Q. I show you the time-card of George Cuthbert under date of September 10th, and ask you the same questions as before. [219—131]

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 93.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked “Adamson No. 93.”)

Mr. FRANK.—I now show you a set of time-cards of William Schmidt under date of August 29th, 30th, 31st, September 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th and 10th, and ask you the same questions as before. A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 94.

Mr. McCLANAHAN.—The same objection as before.

(Testimony of Robert Adamson.)

(The cards are marked "Adamson No. 94.")

Mr. FRANK.—Q. I now show you the time-card of William Schmidt under date of August 27th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have this card marked Adamson No. 95.

Mr. McCLANAHAN.—The same objection as before.

(The card is marked "Adamson No. 95.")

Mr. FRANK.—Q. I now show you two time-cards of William Schmidt under date of September 18th and 19th and ask you the same questions as before? A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 96.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked "Adamson No. 96.")

Mr. FRANK.—Q. I now show you a set of time-cards of R. Turner under date of September 6th, 7th, 8th and 9th, and ask [220—132] you the same question as before.

A. He is a machinist. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 97.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked "Adamson No. 97.")

Mr. FRANK.—Q. I now show you two cards of R. Turner under date of September 12th and 19th, and

(Testimony of Robert Adamson.)

ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 98.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 98.”)

Mr. FRANK.—Q. I show you a set of time-cards of R. Adamson. Who is that? Yourself?

A. Yes, sir.

Q. Under date of September 13th, 14th, 15th, 16th, 17th, 20th and 21st, and ask you the same questions as before. These I understand are your own personal time-cards?

A. My own personal time-cards made out by myself.

Q. And at the time they were made out state whether or not they were correct and truly stated, the numbers, and hours of work, and the articles worked on.

A. Yes, sir. The same answer to that.

Mr. FRANK.—I ask to have these cards marked Adamson No. 99.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 99.”)

Mr. FRANK.—Q. I now show you another set of time-cards of R. Adamson under date of August 24th, 27th and 28th and ask you the same questions as before. A. The same answer. [221—133]

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have these cards marked Adamson No. 100.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 100.”)

Mr. FRANK.—Q. I show you another set of time-cards of R. Adamson under date of August 30th and 31st, and September 1st, 2d, 3d, 4th, 8th, 9th, 10th and 11th, and ask you the same questions as before.

A. The same answer.

Mr. FRANK.—I ask to have these cards marked Adamson No. 101.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 101.”)

Mr. FRANK.—Q. I show you a set of time-cards of F. C. Heath under date of August 27th, 30th, 31st, September 3d, 4th, 7th, 8th, 10th and 11th and ask you the same questions as before.

A. He is a machinist. The same answer to that.

Mr. FRANK.—I ask to have these cards marked Adamson No. 102.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 102.”)

Mr. FRANK.—Q. I show you another set of time-cards of F. C. Heath under date of September 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st and 22d, and ask you the same questions as before.

A. The same answer to that.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have these cards marked Adamson No. 103.

Mr. McCLANAHAN.—The same objection as before.

(The cards are marked “Adamson No. 103.”)

(An adjournment is here taken until to-morrow morning, Friday, August 18th, 1911, at 9:30 A. M.)
[222—134]

Friday, August 18th, 1911.

Mr. FRANK.—Go ahead, Mr. McClanahan.

Mr. McCLANAHAN.—You have finished?

Mr. FRANK.—Yes.

Cross-examination.

Mr. McCLANAHAN.—Q. You are still in the employ of the United Engineering Works, Mr. Adamson? A. Yes, sir.

Q. Are you the only foreman in the machine-shop?

A. Yes, sir.

Q. When there is night work, do you work night and day? A. I don't work night and day.

Q. You have a night foreman?

A. I put a deputy on; I put a deputy foreman on.

Q. A deputy foreman?

A. Yes, or an assistant foreman in the shop, but not what you would call the foreman of the shop.

Q. Do you as foreman ever do any figuring on work—estimating? A. No, sir.

Q. Are you ever consulted by the office as to the cost of the work? A. No, sir.

Q. Are you ever consulted by the office as to your ability to do work in the shop? A. Yes, sir.

(Testimony of Robert Adamson.)

Q. Were you so consulted with reference to this "Hilonian" job? A. Not so far as I remember.

Q. Well, you have a pretty good memory, haven't you?

A. Well, it is as good as the average, I guess.

Q. Do you remember anything about this "Hilonian" job?

A. I remember the "Hilonian" being at the works getting overhauled.

Q. There have been scores and perhaps hundreds of ships at the works being overhauled, have there not, in the last few years? A. Yes, sir. [223—135]

Q. You don't remember, then, anything about the details of the work on the "Hilonian"?

A. I don't claim to remember all the details of the work.

Q. I am asking for any of them.

A. I remember some of the details of the work all right.

Q. Is the machinery of your shop the same to-day as it was in 1909? A. Practically the same.

Q. What is the largest lathe you have in the shop?

A. A 52-inch lathe.

Q. What do you mean by 52-inch, that that is the swing of it?

A. A 52-inch swing. That same lathe can be raised to take at least a 60-inch swing.

Q. What is the reach of it?

A. You mean the length of the lathe?

Q. Yes, what length piece of machinery will it take in?

(Testimony of Robert Adamson.)

A. It will take in 25 feet at the very least, so far as I remember.

Q. That is, its reach is 25 feet and its swing on the center is 52 inches?

A. Well, that is the normal swing, but it can be raised up on blocks to take over 60 inches.

Q. To take over 60 inches or 60 inches?

A. Over 60 inches.

Q. Is 25 feet the greatest length of machinery you can get into the lathe?

A. I won't guarantee that. I know that it will take 25 feet, but I don't know how much more it may possibly take; I could not exactly say at the present time.

Mr. FRANK.—Of course, we object to all this line of testimony as being incompetent and immaterial, and having nothing to do with the issues of this cause at all.

Mr. McCLANAHAN.—Q. Did you ever see the specifications under which work was done on the "Hilonian"? [224—136]

A. I cannot recall at the present time that I did.

Q. I hand you the answer of the respondent in this case and show you the Exhibit No. 1 attached to that answer, and ask you to look it over and see if you can refresh your mind and state whether you have ever seen those specifications before?

Mr. FRANK.—We object to that. It is not a memorandum made by the witness or which he can have any knowledge of of his own. It is a memorandum made up by the defendant. If there is any

(Testimony of Robert Adamson.)

refreshing of recollection to be made it must be made from a paper which the witness himself has made up, or an original paper of that sort.

Q. Did you ever see that paper before, Mr. Adamson? A. No, sir.

Mr. McCLANAHAN.—Now, Mr. Frank, don't interrupt me in my cross-examination of the witness.

Mr. FRANK.—For the purpose of my objection I certainly have the right to fix the facts which are necessary to permit you to put that paper before the witness.

Q. What was your answer, Mr. Adamson?

A. My answer is that I cannot recall seeing that full specification at any time.

Q. Did you ever see that paper before?

A. No, sir.

Mr. McCLANAHAN.—Mr. Frank, I still object to your interfering with my cross-examination of this witness.

Mr. FRANK.—It is perfectly regular; I have a right to do that.

Mr. McCLANAHAN.—Well, I never in my experience had that regular practice forced on me before.

Mr. FRANK.—Well, you are gaining experience every day, Mr. McClanahan.

Mr. McCLANAHAN.—I hope you are.

Q. Mr. Adamson, you have not read this paper, have you, that I [225—137] asked you to look over?

A. I read part of it; I read enough to say that I

(Testimony of Robert Adamson.)

cannot recall seeing that full specification before.

Q. Can you recall seeing any part of the specification? A. Not that paper.

Q. I am not referring particularly to that paper, but of any specification of which this is a copy.

A. My answer is that I cannot recall seeing that full specification as it is there at that time.

Q. Why do you say "full"? Do you distinguish it from anything?

A. Well, I guess that specification was made up in the office, the whole specification, but I cannot recall seeing that full specification; I cannot recall anything about that.

Q. Just look at item 9 of this specification and please read it through.

Mr. FRANK.—Now, I will have to instruct the witness not to answer that question.

Mr. McCLANAHAN.—There is no question before the witness.

Mr. FRANK.—Well, even so.

Mr. McCLANAHAN.—That is a funny proceeding. Are you going to instruct him not to answer any question I ask him?

Mr. FRANK.—After you have finished I will instruct the witness. I want to be sure that you have finished. I instruct the witness not to answer any question based on the paper now handed to him for the ostensible purpose of refreshing his recollection on the ground that the paper does not appear to be any paper either drawn by him or ever seen by him before. Until the Court will pass upon the pro-

(Testimony of Robert Adamson.)

priety of the use of such a paper for such a purpose, the whole matter will be referred to the Court.
[226—138]

Mr. McCLANAHAN.—Q. Have you read that through?

A. I have read that item and I cannot recall ever reading that before. I give the same answer again, I do not recall.

Q. You never knew that the original contract for this work called for the removal of the “Hilonian’s” crank-shaft to the shop?

Mr. FRANK.—Now, one moment. I object to that on the ground, in the first place, that it assumes that there was a contract for the removal of the shaft to the shop.

A. Well, I will answer this question, I would take no notice or get no information whether it is a contract or whether it is a time job that comes in the shop.

Mr. McCLANAHAN.—Q. Just answer my question. Please read the question.

(Question read by the reporter.)

A. I made the answer that I did not know there was any contract on the job.

Q. Did you know there was any contract at all for the removal of the “Hilonian’s” crank-shaft from the ship to the shop?

Mr. FRANK.—We object to that as immaterial.

A. That talk did not take place in my hearing, as far as I remember.

Mr. McCLANAHAN.—Q. That is, you never

(Testimony of Robert Adamson.)

heard it talked of?

A. I don't recall ever hearing any talk of it.

Q. Did you ever recall discussions between officers of the United Engineering Works and yourself, or others— A. (Intg.) No, sir.

Q. Please don't answer the question before it is finished; please listen to what I am saying.

A. I thought you had finished. [227—139]

Q. Did you ever recall discussions between officers of the United Engineering Works and yourself or others with reference to the ability of your shop to put the crank-shaft of the "Hilonian" in a lathe and while there to join to it the thrust-shaft for the purpose of truing up?

Mr. FRANK.—In the first place, I object to that upon the ground that it is not cross-examination, it not having reference to any matter whatsoever that was inquired of or developed or in any wise connected with any matter inquired of or developed on the direct examination; in the second place, I object to it upon the ground that it is calling for hearsay testimony.

Mr. McCLANAHAN.—I remind you, Mr. Frank, of the fact that this witness has testified about there being lathes in the shop and men working on them on this job.

Mr. FRANK.—I instruct the witness not to answer the question until I can have this line of examination certified to the Court and properly passed upon by the Court. Now, if you want to go into that line of examination, Mr. McClanahan, I will be

(Testimony of Robert Adamson.)

pleased to take the matter up at any time. I do not desire to have this record unnecessarily encumbered with immaterial matter. That is one of the difficulties of—

Mr. McCLANAHAN.—(Intg.) Well, you are encumbering it now. You are not making an objection. You are sort of delivering a lecture or a sermon on a matter of ethics.

Mr. FRANK.—Not at all. That is one of the difficulties attendant upon this method of taking testimony. I therefore desire to have the matter passed upon before that class of examination is indulged in. I will add to the objection also that it is immaterial and has nothing to do with the issues in this cause.
[228—140]

Mr. McCLANAHAN.—Q. Do you decline to answer, Mr. Adamson?

Mr. FRANK.—He will act under my instructions. He will answer if the Court passes upon it and determines it is a material and proper inquiry.

Mr. McCLANAHAN.—Q. Answer my last question.

A. You might repeat the question, you might read it off.

Q. Do you decline to answer my question, or do you want it repeated?

A. I would like to have it repeated.

Mr. McCLANAHAN.—Read the question, Mr. Reporter.

Mr. FRANK.—I want to instruct you that you are to take my instructions in this matter so far as

(Testimony of Robert Adamson.)

answering at the present time is concerned. The question whether you decline to answer or not decline to answer rests with me at the present time and not with you. As soon as the Court has passed upon it then it comes back to you, whether you decline or not.

Mr. McCLANAHAN.—Q. Mr. Adamson, Mr. Frank is not your attorney, is he?

Mr. FRANK.—Now, Mr. McClanahan—

Mr. McCLANAHAN.—I am asking him the question.

Mr. FRANK.—Well, you understood just as well as it is possible to understand; there is no use of your playing at side-show business. You understand as well as I do that it is my right to have the materiality and propriety of that question passed upon by the Court. I now demand it without any further difficulty upon that subject.

Mr. McCLANAHAN.—Q. Mr. Adamson, Mr. Frank is not your attorney, is he?

A. I never had an attorney in my life so far as I know.

Q. Then, I ask you now, do you decline to answer my question?

A. Well, I answer, if the question was did I hear and discussion [229—141] about the putting of those shafts together in the lathe, I never heard that discussed. I repeat that again in connection with the question that I declined to answer.

Q. Mr. Adamson, I noticed that as you gave your answers relative to the time-cards which have been

(Testimony of Robert Adamson.)

introduced in evidence here as exhibits from 1 to 103, that in each case you gave careful examination to each card that was handed to you before giving an answer; will you tell me why you gave this particular examination to each card before answering the question?

A. I wanted to find out and prove that the cards were as I had checked them off when they were before me, and before they were handed into the office, and they had not been altered in any way.

Q. You wanted to be sure that you would answer right; is that it? A. That I answered right.

Q. What was it on the card that gave you information that would enable you to answer right?

A. My check mark on each card.

Q. Anything else? A. No, sir.

Q. I pick up at random out of the batch of exhibits, "Exhibit Adamson No. 3"; it happens to be the card of John Benson, of September 12th. I hand you that and ask you where is the check on that card which you refer to as your check?

A. The check mark on the end of the line there, a small check mark.

Q. "Valve bonnet, etc."; is that it? A. No, sir.

Q. What is the check mark you refer to, the one in blue? A. No, this mark here.

Q. Don't mark it with your finger-nail. Do you mean to say there is a check mark on that card? Please don't look at the [230—142] others. I am referring to the John Benson card of September 12th; is there a check mark on that card?

(Testimony of Robert Adamson.)

A. That check mark, so far as I can recall, is my check mark there.

Q. By that you refer to—just put a circle in pencil around the check mark you refer to on that card, a circle all around it.

(The witness does as directed.)

Q. Now, put your initial after the circle there.

(The witness does as directed.)

Q. What do those check marks which you refer to as the identifying mark of the card bring to your recollection?

A. They bring to my recollection that the time charged to each job marked on that card was correct at the time I check it off.

Q. Is that all it brings to your recollection?

A. That is all that it brings to my recollection.

Q. Then you have not answered the questions that have been put to you by Mr. Frank; his question was fuller than that. Don't you remember that? Can you tell me what was included in Mr. Frank's question that covered these cards?

A. I cannot recollect what question Mr. Frank asked at the time, but I am answering now and I give the same answer that I made at that time, that I knew at the time that these cards were made out, and the time I checked them, that the numbers were correct and the time was correct.

Q. That the number was correct and that the time was correct? A. Yes, sir.

Q. Now, I am not asking you to give me Mr. Frank's words contained in the question, but I am

(Testimony of Robert Adamson.)

asking for the facts asked for in the question that your check mark enables you to recollect. Can you tell me the facts embodied in the question? [231—143]

A. Well, in that case I would like to have the question repeated that Mr. Frank asked me about that.

Q. I am trying to see if you cannot remember it without having it repeated, Mr. Adamson—not the words of the question but the facts called for by the question.

Mr. FRANK.—He has already given you the facts called for.

A. I have given you the answer to that question, that at the time I checked these cards off that the numbers were correct and that the time charged to each number was correct at the time I checked them off.

Mr. McCLANAHAN.—Q. That is all that you remember now of the facts contained in the question that was asked relative to each of these cards?

A. Yes, sir.

Q. Are you sure of that? A. Yes, sir.

Q. The number and the time worked? A. Yes.

Q. By the number, you mean the job number?

A. The job number.

Q. And the time worked under that job number?

A. Under that job number.

Q. How does your simple pencil check refresh your mind as to the job number; what does it bring to your refreshed recollection? What does the check mark bring to your refreshed recollection with

(Testimony of Robert Adamson.)

reference to the job number—that there was such a number in the shop?

A. It brings to my recollection this much, that if my check mark is on that card I knew at the time that that number was correct, that that number was running in the shop, and that I checked off the time according to that number.

Q. You knew that that number was running in the shop? A. Yes, sir.

Q. Your check mark is not anything peculiar, is it? It is [232—144] just the ordinary check mark that we all use—is that so?

A. I cannot say what other marks are used but that is the check mark that I use all the time.

Q. If it were not for the check mark you would have no recollection of the job number and the time contained on the card?

A. I don't claim to have a memory to carry me back two or three years to special numbers, when there are thousands of numbers run, that there was any special number at that time.

Q. Will you please answer my question?

A. I beg your pardon.

Mr. McCLANAHAN.—Read the question, Mr. Reporter.

(Question read by the Reporter.)

Mr. FRANK.—He has answered the question.

A. Not at that time, not two years back.

Mr. McCLANAHAN.—Q. You mean not at this time? A. Not at this time.

Q. So it is the check mark alone that enables you

(Testimony of Robert Adamson.)

to identify these cards? A. Yes, sir.

Q. You have not seen these cards before this, since they were turned in by you two years ago, have you?

A. No, sir.

Q. Do you know who prepared them in the shape that they are now brought into this room and presented to you?

A. I have no knowledge whatever.

Q. There are thousands of cards turned in by you, are there not? A. I guess so.

Q. In the past two years there have been thousands of cards, have there not? Just make a mental calculation roughly and see if I am not correct about that? A. Yes, sir.

Q. And from these which you have turned in somebody has selected this batch bearing your check mark. Is that correct?

A. I did not select them. [233—145]

Q. Now, do you know what you have been testifying to with reference to what ship this work shown by these cards was performed on or for?

Mr. FRANK.—You refer to the testimony yesterday—is that so, Mr. McClanahan? You refer to yesterday's testimony?

Mr. McCLANAHAN.—Yes.

A. Well, as I understand it, it is the ship "Hilonian." That is all I understand about it, that there is some trouble about the ship "Hilonian." That is all I know. But I am not distinguishing the "Hilonian" numbers from anything else about it. One could not get away from knowing something about that.

(Testimony of Robert Adamson.)

Q. Who gave you the suggestion or the information that the trouble was about the "Hilonian"—the men in the office?

A. No, I don't know who gave it; where I got it I could not tell.

Q. But your testimony has nothing to do with the ship itself? A. Not with that ship especially.

Q. You cannot tell whether one number or another number belongs to the "Hilonian" or to some other ship?

A. No, sir, not now; I could not recall that now.

Q. In checking over these cards I have found that there are—well, I will say scores of job numbers on these cards; they are not all "Hilonian" job numbers, are they, or do you know anything about it?

A. There is only one number that I can vouch for that did not belong to the "Hilonian," and that is a job that was running for months there. That is one that I can recall.

Q. A job number? A. Yes.

Q. A job number that did not belong to the "Hilonian"? A. Yes. [234—146]

Q. What was the number?

A. 4858, wasn't it? The new engine we were building. I have seen it on all the cards there.

Q. 4858?

A. I think that was the number that was on all these cards. That was a number that was so long before me in the shop that I could not forget it.

Q. That is the only one you remember?

A. That is the only one I can place.

(Testimony of Robert Adamson.)

Q. You cannot give me a single number that would be identified with the "Hilonian" job?

A. No, sir.

Q. You are quite sure of that?

A. I am quite sure of that.

Q. Then you did not by your testimony yesterday in answering Mr. Frank's questions intend to have it understood that your testimony applied to the "Hilonian"? A. I did not catch that.

Q. Read it, Mr. Reporter. (Question read.)

A. No, sir, I did not intend to have it understood that I was being questioned in regard to the "Hilonian."

Q. I understand you have made no check mark on these cards since they have been brought into the room? A. No, sir.

Q. These check marks were made at the time the card was turned into the office? A. That is so.

Q. And you have not seen the cards since then?

A. Never since, until they were in this office before me here.

Q. You could identify in the same way any of the cards that would have your check mark on them, if brought in here, could you not? A. Yes, sir.

Q. Mr. Adamson, in testifying yesterday and in making your examination of these different cards, I understood from you this morning, that the examination was for the purpose of discovering [235—147] your check mark. Is that correct?

A. Yes, sir; that I can prove that these were the checks marked off by me at the time.

(Testimony of Robert Adamson.)

Q. You were simply examining them for the purpose of discovering your check marks?

A. That is what I was examining them for.

Q. And that is all you looked for?

A. That is all I looked for.

Q. And nothing else? A. Nothing else.

Q. Is there anything peculiar about your check mark?

A. The only thing peculiar about it is that I don't know of any other one in the works who checks them off in the same way I do. I never found out to my knowledge on any other card I saw from any other department that had that mark on it.

Q. You don't use a peculiar pencil, do you?

A. Just any ordinary pencil.

Q. Just take your own pencil and mark on that sheet of paper that I hand you, your check mark.

(Witness does as directed.)

Q. Now, put your initials under that, please.

(Witness does as directed.)

Mr. McCLANAHAN.—We offer this in evidence and ask that it be marked Respondent's Exhibit Adamson "A."

(The sheet of paper was here marked Respondent's Exhibit Adamson "A.")

Q. Mr. Adamson, when does the whistle blow at the works for the commencement of work in the morning?

A. At the present time it blow at 25 minutes after 7, one toot, and at half-past 7 it blows a long blast.

(Testimony of Robert Adamson.)

Q. Was that the whistle in August and in September, 1909? [236—148]

A. That is so at the present time. At that time we started at about 20 minutes after 7, so far as I recall.

Q. Will you tell me the whistles that blew in August and September, 1909, for starting work?

A. There was only the one whistle blew at the starting time.

Q. What was that, at what hour?

A. I think it was 20 minutes after 7. Probably it was half-past 7. I don't recall that at the present time.

Q. Is there anything else you can think of that would refresh your memory on that point? Would the clock cards do it? A. They may possibly do it.

Mr. McCLANAHAN.—Will you please produce the clock cards, Mr. Frank?

Mr. FRANK.—For what dates?

Mr. McCLANAHAN.—For August and September, 1909, for the men whose time-cards are now in evidence.

Mr. FRANK.—Q. Did you make those clock cards yourself, Mr. Adamson?

A. No, sir, I had nothing to do with them.

Mr. McCLANAHAN.—I will admit that the clock made them.

Mr. FRANK.—He didn't punch the clock for anybody else's name but his own. If you want his clock cards we will produce them.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Do you decline to produce the clock cards?

Mr. FRANK.—I will produce his. He punched his own time-cards. Is that right, Mr. Adamson?

The WITNESS.—Yes. What I want to get at is, that there has been so many different changes in the last two years that at one time they would be starting at 20 minutes past 7 and at another time at half-past 7, so I can't remember just what time they started in at, at that time in 1909. [237—149]

Mr. McCLANAHAN.—Q. I am trying to assist you in your recollection by producing the clock cards.

Mr. FRANK.—We will produce the clock card that he punched, if you are trying to assist his recollection about it. This is a great fishing expedition, isn't it?

Mr. McCLANAHAN.—While there is a search being made for your clock cards, Mr. Adamson, I will continue my examination.

Q. Is there any relation between the time on the time-cards and the clock cards corresponding?

Mr. FRANK.—What do you mean by "relation"?

Mr. McCLANAHAN.—The word is intelligible, Mr. Frank. The witness is not troubled about it.

Mr. FRANK.—No, it is not intelligible.

Mr. McCLANAHAN.—Isn't it?

Mr. FRANK.—No. How do you mean "relation"? I think the witness and I are both entitled to know what you mean by it.

Mr. McCLANAHAN.—Q. Do you not know what I mean by my question, Mr. Adamson?

(Testimony of Robert Adamson.)

A. The time on the clock cards, as I understand it, is compared with the time put in on the time-cards, and if one don't compare with the other then there is an examination made about it.

Q. So there is a connection then between the time-card and the clock card of each man?

A. The one is a check upon the other.

Mr. McCLANAHAN.—I will call upon counsel now to produce all the clock cards for the following men: C. Schmidt, John Benson, P. Mockel, J. P. Wojdacki, D. Stimmel, George Driscoll, Will Zaddart, Howard Beileit, Alfred Boyer, H. G. Strowenjans, [238—150] C. W. Higgins, G. Martioli, William Hay, James McDonald, Joseph Casener, W. L. Megow, Charles A. Wilson, J. P. Wojdacki, F. M. Fleming, M. Shafer, C. F. Peaslee, Joe Larrando, A. B. Watson, C. Chaquette, V. Williams, J. B. Penicott, Joseph C. Mellow, J. L. Chandler, W. B. Thomas, J. Sucher, Fenton Young, Gus Albers, David Doig, Jr., Axel Person, John Ross, N. P. Hick, N. Vasen, Tore Francisco, George A. Dunn, M. Dolinski, J. Jackson, B. Materne, James B. Gordon, M. D. Souza, H. Sutherland, J. Cameron, F. Pickengill, J. D. Doig, George Cuthbert, William Schmidt, R. Turner, F. C. Keith, and R. Adamson, who is the witness. I wish these cards, Mr. Frank, to be produced covering the corresponding time-cards that have been introduced in evidence in this case under the respective exhibits.

Mr. FRANK.—Then it is not for the purpose of refreshing this witness' recollection that you want

(Testimony of Robert Adamson.)

them, but for some other purpose, as I understand, instead of as you first suggested. Do you want Mr. Adamson to refresh his recollection now from his card?

Mr. McCLANAHAN.—Yes. You produce Mr. Adamson's card.

Q. Will you now examine your card, Mr. Adamson, and tell me, if you can, the time the first whistle blew in August and September, 1909, at the works of the United Engineering Works?

A. No, sir, that is no help to me.

Q. What is that?

A. That does not bring to my recollection when the whistle blew.

Q. It does not help you any?

A. No, not any more than it did before I saw it.

Q. How can you find that out for me?

A. I could not tell you at the present time unless I was to go back into the records and find out from the records what time [239—151] we started in the morning at that time.

Q. What records do you refer to?

A. I don't know. I would have to make inquiries to find out what time we started at that time. I don't know where I would find it out.

Q. Your best recollection is the whistle blew at 7:20? A. That is as far as my recollection goes.

Q. And that work commenced at 7:20?

A. I could not verify that. It may have been 7:30. There have been so many changes of time within the last two years or three years, that I could

(Testimony of Robert Adamson.)

not recall at that special time when the whistle blew.

Q. The whistle started the work in all the departments of the shop, did it not?

A. At one time, yes, all over the shop.

Q. Is there any doubt in your mind as to when the noon whistle blew for the lunch hour?

A. You mean to stop?

Q. To stop for the lunch, yes.

A. 12 o'clock, is the best of my recollection.

Q. In August and September, 1909?

A. Yes, sir, so far as I remember.

Q. When did the whistle blow for the recommencement of work after lunch, at that time?

A. That beats me.

Q. You don't know? A. No.

Q. You can't remember that?

A. No, I can't remember it.

Q. Can you remember when the whistle blew for stopping in the afternoon, in August and September, 1909? A. No, sir.

Q. Your memory is not as good as I thought it was, Mr. Adamson. A. Well, I can't help that.

Mr. FRANK.—Mr. McClanahan, that bantering of the witness is improper. [240—152]

Mr. McCLANAHAN.—Well, I will pursue my own way in cross-examining the witness, Mr. Frank.

Mr. FRANK.—I know you will but I will make my own objections and point out my own criticisms of it as we go along.

Mr. McCLANAHAN.—Certainly.

Q. How many hours constituted a day's work in

(Testimony of Robert Adamson.)

August and September, 1909?

A. As far as I recollect, it was nine hours at that time.

Q. That would be straight time, would it, nine hours of work straight?

A. If it was a nine-hour day at that time it was nine hours' straight time, but I cannot recall whether it was nine hours, or what time it was; but I think it was nine hours, and if it was nine hours it would be straight time.

Q. You have no clear recollection now as to the number of hours, have you, constituting a day's work?

A. I cannot at the present moment recall that.

Q. Would an examination of your time-card or clock card help you on that?

A. I have tried to find that out already from the card. I have examined the card but I cannot recall it from the card. I might have been in half an hour before starting in work or I might have been in 10 minutes before starting in. I cannot recall from that card what length of day it was.

Q. What was the rule at that time, if you recollect, with reference to overtime?

A. Overtime began immediately when the whistle blew at quitting time in the afternoon until starting time in the morning.

Q. That would be overtime?

A. Yes, sir; and they worked in the meal hours there right straight through; they don't stop for meals. [241—153]

(Testimony of Robert Adamson.)

Q. That is, in overtime they don't stop for meals?

A. I say if they have to work in the noon hour it is counted as overtime. If they don't get let off for lunch afterwards, if they have to work straight through, that noon time is counted as ordinary overtime.

Q. When the overtime has commenced, after the whistle has blown in the afternoon, is there any stoppage for meals while the overtime is running?

A. That is a matter of arrangement with the Superintendent of any job, if it is on the outside; in the shop I can speak as regards to that, that very often there is no time taken off, they are off no time at all.

Q. For eating? A. For eating.

Q. The overtime? A. The overtime.

Q. They work right straight through?

A. Right straight through.

Q. With reference to pay, what is your recollection as to pay for overtime in September and August, 1909?

Mr. FRANK.—What do you mean by “pay”—the rate of wages?

Mr. McCLANAHAN.—The rate of wages.

Mr. FRANK.—We object to that as immaterial.

A. As far as I remember, from quitting time up to 12 o'clock it was time and a half in the shop, and from then on until starting time in the morning it was double time.

Q. Time and a half for what?

A. From quitting time in the afternoon up until

(Testimony of Robert Adamson.)

12 o'clock at night.

Mr. McCLANAHAN.—Q. Suppose you were working on a holiday, what was the rate of wage?

A. Double time.

Q. And on Sundays? A. Double time.

Q. Who figured out the time on your clock card? I refer to the ink figures on the right-hand side?

[242—154]

A. That is the timekeeper's job; it is not mine.

Q. When this card is completed, does it pass into your hands or go into the office?

A. When this card is completed?

Q. Yes. A. No, sir.

Q. It goes from the clock direct to the office?

A. Yes, sir.

Q. And is a check on the time-cards which you turn in for your men, is it?

A. I have nothing to do with them any more than punching them. The clock takes the time and puts it on the card. Every day, so far as I know, the timekeeper takes that and totals the hours from the card itself and from the time-cards.

Q. That is, he compares the time-card with the time shown by the clock punched, is that it?

A. Yes, so far as I understand that is the way it is done, but that is out of my jurisdiction.

Mr. FRANK.—Q. When you say "as far as you understand," do you mean what somebody tells you, or do you see him do it?

A. I see the timekeeper working with the cards once in a while when I have been in the office, and

(Testimony of Robert Adamson.)

I know personally that it is his business to do that.

Mr. McCLANAHAN.—Q. Have you ever had occasion to have him come to you to rectify a discrepancy between the time-card and the time shown by the clock?

A. I cannot recall that he did that at that time.

Q. He has done it though, has he?

A. I don't remember.

Q. Which is the more correct, the time shown by the clock card or the time shown by your time-card for a particular day?

A. Well, all that I can vouch for is the time-card. I cannot tell that—I never got these to compare them one with the other, so I don't know anything about that. [243—155]

Q. And you cannot tell me now when starting time commenced in September and August, 1909?

A. No, sir.

Q. What was your wage in September and August, 1909?

Mr. FRANK.—We object to that as immaterial.

A. I decline to answer that.

Mr. FRANK.—Oh, well—

A. (Intg.) That is a private matter between me and the firm that I work for. It has nothing to do with this matter before the Court so far as I am concerned.

Mr. McCLANAHAN.—Q. I am not prying into your private matters.

A. Well, that is certainly prying into my private matters.

(Testimony of Robert Adamson.)

Q. Do you decline to answer what you were being paid at that time by the United Engineering Works? A. Yes, I do.

Q. Why?

A. Because I think that that is a private matter between me and the firm, what I was paid, and nobody else has any business to it. I have agreed to work for a wage for any master, no matter who it is, and it is entirely between the two parties concerned.

Mr. FRANK.—So far as the United Engineering Works are concerned, Mr. Adamson, we don't care anything about it. Of course, if you have some private reason of your own—

A. I am thinking about myself and my own private matters. That has no connection at all with this business, what wage I was paid at that time. This is an inquiry checking off time-cards. I can't see anything else to it.

Mr. McCLANAHAN.—I don't want to embarrass you personally. I will ask you the question in another form perhaps.

Q. What were the foremen in the machine-shop being paid by the United Engineering Works in August and September, 1909? [244—156]

Mr. FRANK.—We want to object to that on the legal ground, that it is immaterial. So far as the knowledge of the matter is concerned, we have no desire to keep it from you.

A. I cannot answer that question either.

Mr. McCLANAHAN.—Q. Why not? Don't you

(Testimony of Robert Adamson.)

remember? A. No.

Q. You don't remember? A. No, sir.

Q. You are not declining to answer that because it is any personal matter?

A. Not a bit as regards that last question of yours; no.

Q. You cannot remember what the foremen in the machine-shop were paid in September and August, 1909? A. No, sir.

Q. Can you remember what you were paid?

A. I remember what I was paid.

Q. What were you paid?

A. I decline to answer that.

Q. Do you remember what machinists were paid at that time in the machine-shop?

A. I don't remember.

Q. Or machinist's helpers?

A. I don't remember.

Q. Or machinist's apprentices?

A. I don't remember.

Q. Do the clock cards show what the rate of wage was for these respective occupations?

A. You can see.

Q. Yes, I am going to see, but I am asking you?

A. Well, let me see a card.

Q. I will give you yours.

A. It shows the rate there, doesn't it?

Q. The clock card does show the rate, does it not?

A. It shows there, so far as I can see.

Mr. FRANK.—And you had that in your hand all the time when you were questioning the witness?

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Q. Is that the correct rate? A. It shows there, doesn't it? [245—157]

Q. I say is that the correct rate?

A. I don't know now, but that is the rate that is on that card.

Q. Examine the card and tell me whether that is the correct rate of wage you were paid.

A. I cannot answer that question.

Mr. FRANK.—The card speaks for itself.

The WITNESS.—Of course it does.

Mr. FRANK.—If the witness has some private reason that I am not apprised of as to his own private affairs, it is immaterial so far as you are concerned. The card shows the amount he was settled with on—that is all you are concerned with.

Mr. McCLANAHAN.—Is this an argument, Mr. Frank, or an objection?

Mr. FRANK.—It is an objection.

Mr. McCLANAHAN.—All right, but let us have it properly labeled.

Q. You say you knew what rate you were paid, but you decline to state what it was. You say the time-card has on it your rate of wage, and I ask you if the rate of wage shown by the time-card is correct?

A. I beg to say that I did not say that I knew what rate I was paid. You said that I did know. I say I didn't know, I didn't know the rate I was paid at that time.

Q. So you now say you didn't know what rate of wage you were paid at that time? Will you please

(Testimony of Robert Adamson.)

examine your time-card there and see if it refreshes your memory on that subject?

A. Well, that is the rate on there. Whether I got that, or not, that is the rate that is marked on there at that time.

Q. I ask you if your memory is refreshed?

A. My memory cannot go back and I decline to say anything about that. [246—158]

Q. Then the information of the time card, on which is shown a rate of wage for you, does not refresh your memory as to what the rate was that was actually paid you?

A. That is proof positive so far as you are concerned; I guess that is the rate I was getting, so far as I know.

Q. So it does refresh your memory?

A. So far as I know. That is the only proof I have. That is all that it brings to anybody's mind, to look at it.

Q. $41\frac{2}{3}$ —what does that mean?

A. Ask Mr. Curtis if he knows what that means.

Q. Don't you know what $41\frac{2}{3}$ means as applied to a rate of wage?

A. What would anyone take that to mean?

Q. I don't know. I am asking you what you take it to mean?

A. Well, if you don't know I don't know that anybody else should know.

Q. What do you take it to mean?

A. I take it to be a rate of 41 and $\frac{2}{3}$.

Q. $41\frac{2}{3}$ what? Dollars or cents?

(Testimony of Robert Adamson.)

A. I say nothing more about it.

Mr. FRANK.—Well, what is the trouble, Mr. Adamson?

Mr. McCLANAHAN.—Q. Why do you decline to tell me what that means, Mr. Adamson? Why do you decline to tell me what that $41\frac{2}{3}$ on the card means?

A. I have no special reason for declining to tell you anything about it only the thing is so distinct in and of itself that I don't think anyone has to be told anything about that.

Q. Well, then, tell me what it means? What does it mean, Mr. Adamson?

A. As far as I can judge there it means—there is no distinguishing mark, it might be $41\frac{2}{3}$ of anything, but I suppose the rate means $41\frac{2}{3}$ cents.
[247—159]

Q. Per hour? A. Per hour.

Q. Is that what you were paid at that time, according to your refreshed recollection?

A. That is what is shown there.

Q. And that is what is correct, is it, according to your refreshed recollection?

A. Ah, I can't swear to that, but that is what is marked on the card.

Q. What were you paid your wage for, what was your work in the shop?

A. In the machine-shop, machinist.

Q. Did you actually work at a machine?

A. I worked in the machine-shop as a machinist.

Q. Answer my question, did you work at a ma-

(Testimony of Robert Adamson.)

chine? A. Not at a machine.

Q. What did you work at?

A. I worked on the surface-table and checked all the work that came into the shop and the work that went out of it.

Q. You checked the work as it came in and as it went out?

A. Yes, sir, and laid off the work. I had to lay off the work for the big machines there.

Q. How many men were under you in August and September, 1909?

A. Practically all the machine-shop was under my supervision in regard to this.

Q. Give us an idea as to how many men there were, approximately.

A. I could not tell you that.

Q. 20 or 30? A. All of that.

Q. All of that? A. Yes, sir, all of that.

Q. The clock cards will show the rate of wage paid to these several men whose time-cards have been introduced as exhibits in this case, will they not?

A. I don't know. Mine is shown there apparently. It shows on that card and if it shows [248—160] on that card, I guess the other cards will show the same so far as I am concerned, so far as I know. I can't tell.

Q. And I understand you to say that the clock cards check up the time-cards so far as the time worked is concerned.

A. Yes, and then the timekeeper gets them in

(Testimony of Robert Adamson.)

from the clock card and the time-card and the clock card compare, and if the one compares with the other it is totalled out into the clock card.

Q. Do we understand that one is a check on the other?

A. That is what they are there for, I guess.

Mr. McCLANAHAN.—We will now ask counsel to produce the clock cards for August and September, for the men whose names I have called into the record.

Mr. FRANK.—Is that all?

Mr. McCLANAHAN.—Yes, please produce them. We are not through with the cross-examination yet.

Mr. FRANK.—It will take some time to get them together.

Mr. McCLANAHAN.—We are not through with the witness. I am waiting for the production of the cards.

Mr. FRANK.—We will get them together.

Mr. McCLANAHAN.—Aren't they here, Mr. Frank? It will expedite matters if you can expedite the production of those cards. I understand you will produce the cards?

Mr. FRANK.—Yes. [249—161]

Mr. McCLANAHAN.—I understand that the cards will be produced.

Mr. FRANK.—Yes, I have no objection to the cards being shown.

Mr. McCLANAHAN.—Q. Mr. Adamson, when a job comes into the United Engineering Works' hands it is given a job number, is it not?

(Testimony of Robert Adamson.)

A. Yes, sir.

Q. That job number passes into your department, does it not? A. Yes, sir.

Q. For that particular work? A. Yes, sir.

Q. And it remains the job number of that particular work until completion?

A. Until completion.

Q. That is correct, is it? A. Yes, sir.

Q. Are the job numbers given to time work—by time work I mean work that is not done under a contract—are job numbers given to time work in any way to be distinguished from job numbers given to contracts? A. No, sir.

Q. That is, from your experience in the shop you find that the numbers run consecutively?

A. The numbers run consecutively as the jobs come in.

Q. Irrespective of whether they are time jobs or contracts?

A. Irrespective of whether they are time jobs or contracts.

Q. This job number given to this particular work is retained throughout the shop in the different departments? A. Yes, sir.

Q. And even if work is done on the ship it is retained on the ship, is it not?

A. It is retained on the ship.

Q. So that one piece of work has but one number, one job number, is that right?

A. Not in every case. Under one number there may be a list of different parts of machinery; there

(Testimony of Robert Adamson.)

may be work on [250—162] the main engine and work on the auxiliary engine on the same number, but still on the same list.

Q. The same job? A. The same job.

Q. So that one job still has the one number?

A. Yes, sir.

Q. You have no means in the shop of knowing what the work is for, what ship it is for?

A. Certainly we do.

Q. What is the means?

A. The ship's name is put on against the list number.

Q. If it is put against the ship's list number then you know it is for that ship? A. Yes, sir.

Q. That is all you know about it, the fact that it is put on the card?

Mr. FRANK.—He did not say card; he said list.

A. The list.

Mr. McCLANAHAN.—Q. I say that is all you know about it.

A. That is all you know about it. It belongs to that ship named against that number, and it is worked on under that number.

Q. Your men sometimes work on the ship, don't they?

A. Very seldom. They are occasionally sent out to the ship.

Q. Sometimes? A. Yes, sir.

Q. Every man in the ship has a number, has he not? A. Yes, sir, a shop number.

Q. For instance, John Benson's number is 327.

(Testimony of Robert Adamson.)

A. Every man has got that number. He has a shop number.

Q. You say every man has got that number.

A. I do not mean the same number. I say they have a shop number.

Q. That number stays by him wherever he goes?

A. Wherever he goes. [251—163]

Q. For instance, if John Benson went on the ship to work, he would still be 327? A. Yes, sir.

Q. And if he worked in the shop he would be 327?

A. Yes, sir.

Q. Who is the man who makes out the bills in the shop? A. What kind of bills?

Q. Bills for work done that are sent out to ship-owners?

A. I don't know anything about that; I don't know the first thing about that.

Q. You don't know who the bill clerk in the office is. You don't know who makes out the bills?

A. I don't know who makes out the bills. It is not in my line at all.

Q. Who in the shop is the practical man, or rather in the office is the practical man?

A. In the office? I don't know. I guess the manager is the practical man in the office, so far as I know.

Q. Who is he?

A. Mr. Christie is the manager, isn't he?

Q. I am asking you.

Mr. FRANK.—I should like to know the materiality of this fishing expedition. If it has anything

(Testimony of Robert Adamson.)

to do at all with the direct examination, you are perfectly welcome to it, but I should like to know the purpose of it; otherwise I shall object to it.

Mr. McCLANAHAN.—Perhaps you will tell me, Mr. Frank, who it was that places and did place in August and September the job numbers on the particular pieces of work done on the “Hilonian”?

Mr. FRANK.—We will tell you in due time, and give you every detail of it. You are barking up the wrong tree now, and have been some for some time. You shall have every detail of it, so that you will be able to trace it from beginning to end, if you [252—164] are going to put us to that troublesome detail. There is no discrepancy about it.

Mr. McCLANAHAN.—We would like to have it now.

Mr. FRANK.—You cannot have it now because we cannot give it now. We will give it to you as we produce our testimony.

Mr. McCLANAHAN.—Then I shall try to get it out of the witnesses who are put under cross-examination.

Mr. FRANK.—When you get a witness who is familiar with it, and whose department it is, and who knows what he is talking about, instead of from hearsay, and it is material on proper cross-examination, you will be perfectly welcome to it then. You will be welcome to it at any time in its proper order.

Mr. McCLANAHAN.—Q. Do you know if Mr. Christie puts the job numbers on the different pieces of work? A. I don't know.

(Testimony of Robert Adamson.)

Q. Do you know who does in the office?

A. I don't know who does that, or whose business it is to do that. I get the sheets handed in to the shop to me.

Q. And they have the job number on?

A. They have the job number on.

Q. Do you know who makes out those sheets?

A. I do not.

Q. Are they signed by anyone?

A. Not to my knowledge.

Q. You do not keep a time-book for your men in the shop, do you? A. No, sir.

Q. How are you enabled then (to check up the time of each man? Do you take his word for it?

A. No, sir, I do not entirely take his word for it, altogether. I know the time I give him the job, or the job is taken to him, and the time he finishes that [253—165] job and gets another one.

Q. You know that without keeping a time-book?

A. Yes, sir. I can judge that from long experience.

Q. Do you remember any work done on the intermediate pressure piston rod for the "Hilonian" in August or September, 1909?

A. Not specifically.

Q. You do not? A. Not specifically.

Q. Have you given the matter thought?

A. I have not.

Q. You have? A. I have not.

Q. Well, give it some thought now.

A. I tell you I cannot recall anything specifically

(Testimony of Robert Adamson.)

done on the "Hilonian" at that time.

Q. Nor on the "Hilonian's" I. P. piston rod?

A. No, sir.

Q. Do you remember any work done on the bushing for the "Hilonian's boring bar?

A. Not specifically.

Q. Not specifically? A. No, sir.

Q. What is a boring bar?

A. A boring bar is a tool that is used for putting through the center of a cylinder for re boring that cylinder, or for boring it up in the first instance.

Q. You would not find a boring bar on the ship, would you?

A. It is a very, very rare thing that you find a boring bar on the ship.

Q. You have got one in your shop, haven't you?

A. Several.

Q. I hand you the card of P. Mockel, being "Adamson Exhibit No. 6" and call your attention to the entry under job number 5325, "31½ hours work on bushing for boring bar." Do you know anything about that work now?

A. I cannot recall about this special job. But if I may be allowed to state, when a boring bar goes down to a ship, they have got to have a bushing made to [254—166] fit the stuffing-box for a guide to the bar; that is a general thing in all ships, when they go to re bore a cylinder and take a boring bar there, it is a rare thing that you will find one to fit the stuffing-box; therefore they have to have a bushing made to fit the outside of the stuffing-box

(Testimony of Robert Adamson.)

to fit the bar inside to guide the bar.

Q. You do not know if that bushing was made for a boring bar in your shop or not?

A. I cannot recall about this special job, but that is what I say, that in all cases when they take the boring bar out to bore a cylinder in every ship, they have to get a bitt made to fit the stuffing-box to the bar in the center.

Q. This, from all the indications on the card, is shown to be bushing for a boring bar under job number 5325.

A. It shows that from the number itself.

Q. That is all you know about it?

A. That is all I know about it.

Q. I hand you the card of Rudolf Dolenski, that is "Adamson Exhibit No. 78"; that man's number is 377, is it not; his shop number?

A. It is on the card. That man's shop number is 377.

Q. On the card it is improperly entered as the machine number.

A. It has been put in the wrong corner of the card.

Q. Mr. Adamson, on your Exhibit No. 10, William Zaddard, I find that on August 30th there was work done on No. 5295, "Babbitting thrust collars" and on the card for the same man for the two following days, August 31st and September 1st, I find work done on "thrust collars" under No. 5325. Do you know anything about that work?

A. I would know about it at the time. I do not
[255—167] know about it at the present time.

(Testimony of Robert Adamson.)

Mr. FRANK.—Show him the card.

The WITNESS.—Show me the card.

Mr. McCLANAHAN.—Q. I show you the last two cards referred to and ask you if you made the changes in red ink on those numbers.

A. The changes would be made under my orders, according to my orders at the time the man had got the wrong number on the job, and I would get it rectified right there when I was checking off the card.

Q. So that you authorized the change or directed the change, but you did not make it yourself.

A. I did not make it myself.

Q. Who made it?

A. The timekeeper right there, under my order, made the change in red ink. You will find all the changes are made in red ink to show a change is made.

Q. The timekeeper in the office?

A. The timekeeper in the office under my orders.

Q. Can you see very well, Mr. Adamson? I want to ask you if you can tell what the number was originally before it was changed. It looks to me like 5295 (handing).

Mr. FRANK.—What cards are these? Let me see.

A. (After examination.) It looks like 5295.

Mr. McCLANAHAN.—Q. Look at the other card, please. That is, the one of September 1st looks like 5295. A. It looks like it.

Q. What does the one of August 31st look like?

(Testimony of Robert Adamson.)

A. It looks like the same.

Q. Do you now have your mind refreshed at all as to that particular change in number? [256—168]

A. No, sir, I do not at the present time. I could not recall it at the present time.

Q. How would that mistake be discovered by you?

A. When I was checking up the time of the man who was working on it, and the job he was working on—I knew the jobs they were all working on at that time, and the numbers of the jobs.

Q. If 5295 was on there originally, it got on there through your directions to the operator?

A. Yes, sir.

Q. To put it on there? A. Yes, sir.

Q. And you got it from the slip that came from the office?

A. I got it from the job number that came from the office, and the work that was under that head, that number.

Mr. FRANK.—He is speaking of 5295, not of the changed number.

The WITNESS.—I am speaking about work in general, not about any specific piece there.

Mr. FRANK.—Q. Confine yourself to the question he asks. He asked you about the number 5295.

A. I did not understand that.

Mr. McCLANAHAN.—Q. Read it over, Mr. Reporter. I thought you understood it.

A. No, sir, I did not understand it.

Q. I think you did. A. I did not.

Q. Read it over, Mr. Reporter, and see if there is

(Testimony of Robert Adamson.)

any error in it, Mr. Adamson, and we will correct it.

(The reporter reads a portion of the testimony.)

Now, I will have to commence again, Mr. Adamson.

If 5295 was on there originally before the change in red ink— A. On this card?

Q. On the card of August 31st, 1909, it was put on there by the operator at your direction?

A. He did not put that number there at my direction.

Q. Why not?

A. He got the number mixed up, and got the wrong [257—169] piece number on that job on his card. When I came to check it up I got it rectified. I got the proper number put on it, the number that should have been on the job he was working on.

Q. How did he know to put any number on there unless you told him?

A. There are several numbers running through the shop at one time, different jobs. The operator sometimes is liable to get his numbers mixed up a little bit, but it was my place to check that over and put it right if I found it out. That is what I was there for at that time, to check over these time-cards and find that the numbers corresponded with the work the man would do.

Q. It was your place to see he put it down originally right, was it not?

A. Every man makes out his own time-card.

Q. From instructions as to the numbers given to him by you?

A. Yes, sir. But you cannot keep any man from

(Testimony of Robert Adamson.)

once in a while making a mistake in the number.

Q. How did you know that the work on that day on the thrust collars should be charged to the number 5325 and not 5295?

A. I had known at the time by the work that was in the shop, and the different numbers that I put on the jobs as a rule.

Q. On the day before you had been doing work on thrust collars under 5295?

A. That is quite possible.

Q. It is quite possible that you should do work on thrust collars under 5295 on one day and on the next day do it under another number?

A. Yes, sir, it is quite possible.

Mr. FRANK.—That is not the fact. Both numbers are changed.

The WITNESS.—Not necessarily on the same thrust collars.

Mr. McCLANAHAN.—Q. Not necessarily on the same thrust collars? A. No, sir. [258—170]

Q. Of course, if it was the same thrust collar it would have the same number, would it not, though the work was done on different days on the same ship?

A. Yes, sir; if they were working two different days on the same number, that number would appear both days on the card.

Q. That is not what I asked you. I asked you if the work was on the same thrust collar for two different days it would have the same number if it was the same ship? A. If it was the same collar?

(Testimony of Robert Adamson.)

Q. Yes..

A. That he worked on one day. There are more collars than one on a ship.

Q. You have not answered my question. If it was the same thrust collar that the man worked on Monday and he worked on Tuesday and it was for the same ship, it would have the same number?

A. Yes, sir, it would have the same number.

Q. I hand you the card of J. L. Chandler, being "Adamson No. 52" where I find that on August 31st, work was done on thrust collars for job No. 5295, and on the next day by the same man work was done on thrust collars for No. 5325. If that was for the same ship, have you any explanation to make of it?

A. Show me the cards.

Q. There they are (handing).

A. The only explanation I can give about that is that if a ship comes in there they probably order one thrust collar to be repaired in some way; that is done on a number that is entered before, already entered. Well, they find when they take out the other collars that they want to be repaired; then that has got to be done under another number, and that probably explains why there are two different numbers on that. [259—171]

Q. That is, a ship comes in and one thrust collar is found needing repair and you give it a number. Then the next day another is found needing repair and you give it another number. That is the explanation, is it? A. Yes, sir.

(Testimony of Robert Adamson.)

Q. Can you think of any other possible explanation?

A. As to distinguish the one from the other?

Q. Can you think of any other possible explanation of those two cards?

A. No, sir, that is the only explanation I can give for it.

Q. I hand you the cards of this man, J. L. Chandler, "Adamson Exhibit No. 52" and call your attention to the work done on September 2d by this man on spring bearings under job number 5295, and spring bearings on job number 5325. If that work in both instances was done on the same ship, can you make any explanation of the two numbers being given to the work on the same day?

A. I don't know they were for the same ship.

Q. I am assuming they are.

A. It comes under the same explanation as the other.

Q. Hardly. This is the same day.

A. That is quite possible.

Q. It is possible, the same day?

A. It is quite possible the same day.

Q. That on one ship a certain work was done on spring bearings under one number, and on the same ship on the same day work was done on spring bearings under another number?

A. That is quite possible.

Q. You have not any other explanation to make of that?

A. No, sir. [260—172]

(Testimony of Robert Adamson.)

Q. If there was only one spring-bearing job for that ship then your explanation would not be good, would it?

A. If there was only one spring bearing on that ship?

Q. Your explanation would not be good, would it?

A. Unless it came out for some other reason to make an alteration on it; as far as I understand, it requires more than one piece of work to make two numbers.

Q. Suppose that the ship comes to your shop requiring work done on her spring bearings and that work is given job number 5295, and on the same day work is done on the same ship on the same spring bearings and given another job number, can you make any explanation of that?

A. The same explanation yet, that probably one spring bearing would be called for to be repaired when she came in under the first specification, and the order taken for it. Then after that she was in the dock, that inspection being made out probably before she went in the dock. After they took off the first one and took out the shaft they probably find that the others want to be repaired too, and that is done under a separate number; that is the only explanation I can give.

Q. Suppose that the work to be done was the repairing of the spring bearings in the first instance on that ship. Can you explain why that should be given two numbers, that work?

A. Well, the explanation I would give of that, so

(Testimony of Robert Adamson.)

far as I could judge, is that the original order in connection with that, had to be that the work had to be added to. They ordered one thing to be done to the bearing, probably babbitted. That would be on the first order, and they would find probably it would be required to be planed off at the bottom, and that would be done as a separate item. [261—173]

Q. So that the matter of giving two numbers to that work under those circumstances would be for the purpose of keeping the work straight in the office? A. Straight in the office.

Q. So that they could make the proper charge?

A. So that they could charge according to the work that was done on it.

Q. Mr. Adamson, I hand you one of the cards that you have examined, and which has been introduced in evidence, the card of H. J. Strowenjans, under date of September 9th, 1909.

Mr. FRANK.—What exhibit is that?

Mr. McCLANAHAN.—Exhibit 17.

Q. The last entry on the card, can you tell me what that is? It looks like “bracket ranger.”

A. That is “bracket planer,” on the planing-machine, p-l-a-n-e-r.

Q. That is planer down there (pointing).

A. Yes, sir.

Q. What is this word out here (pointing). It is “ranger,” is it not? You had better take off your dark glasses.

A. Yes, sir. I have a very tender eye.

Q. Use your magnifying-glass to it.

(Testimony of Robert Adamson.)

A. I have no magnifying-glass.

Mr. FRANK.—He has no magnifying-glass; he has only seeing-glasses.

Mr. McCLANAHAN.—They look like magnifying-glasses to me.

A. It strikes me as bracket flanges; that is what it stands for.

Q. Read the whole thing.

A. "Bracket flanges on the planer." He worked on the planer, on these brackets and flanges.

Q. Bracket flanges on the planer?

A. Yes, sir, on the planer.

Q. That is the whole thing, is it?

A. That is the whole thing, as far as I can make it. [262—174]

Q. Mr. Adamson, examine that first letter which you have called an "f" being the first letter of the word flanges. Examine it again a little more carefully and see if you make it out to be an "f" or an "r." I will help you out. I have sent for a magnifying-glass. A. I can see it distinctly enough.

Q. You have done work for the tug "Ranger" from Eureka, haven't you?

A. Oh, yes, we have done work for the "Ranger," I guess.

Mr. McCLANAHAN.—The glass will be here in just a moment.

Mr. FRANK.—I think that card speaks for itself. Inasmuch as it is indistinct I do not think that this witness' expert writing experience will warrant that testimony. If you want the man who wrote it I

(Testimony of Robert Adamson.)

guess perhaps we can find him. He will tell what it is. I object to any guess on the part of this man as to what is on this indistinct lettering.

Mr. McCLANAHAN.—Q. I hand you a magnifying-glass, Mr. Adamson.

A. (After examination.) As far as I can make out, I will stand by what I said. It is meant for flanges, as far as I can make out.

Q. If the work is “Ranger,” and if job done No. 5295, to which that is charged is for the “Hilonian” can you make any explanation why the “Ranger” work should have the “Hilonian” job number?

A. I cannot recall anything about that nowadays. I don’t know if the “Ranger” was at the wharf, or where she was, or if any work was being done on the “Ranger” or anything about it.

Q. You cannot make any explanation about it under my hypothesis? A. No, sir.

Q. The question, Mr. Adamson, put to you by Mr. Frank when these time-cards were introduced, covered the job numbers the checking up of the job numbers, the hours worked, and the articles worked on. You remember that, do you?

A. Yes, sir. [263—175]

Q. I hand you the card of G. Martioli of September 15th, 1909, being “Adamson Exhibit No. 21,” or a part of “Adamson Exhibit No. 21,” where I find nine hours charged to job 5405, and the article worked on is “Buckman” crank shaft. On the same card I find charged to job number 5295 31½ hours. Will you please tell me what work was performed on

(Testimony of Robert Adamson.)

job No. 5295 covering those 3½ hours overtime?

A. I cannot tell you what job 5295 was, I stated that at the beginning.

Q. I am not asking you what job 5295 was. I want to know what work was done on job 5295 for which Mr. Martioli was credited 3½ hours overtime?

A. All I have to say in regard to that is that that card was checked off by me at the time, and found to be correct by the numbers that were on it, and the time charged on it at the time that I checked it off.

Q. You cannot tell then what work the 3½ hours overtime covered on that job? A. Not now.

Q. It does not show on the card, does it?

A. Show me the card again. (After examination.) There might have been two crank shafts in the shop worked on. That man is a helper; he helps at the big machine and the big lathe. He may have been working on one shaft so long and on another shaft so long, and another shaft again. That is the only explanation I can give to you.

Q. The work does not show on the card what was done on 5295. A. The crank shaft.

Q. It does not show on the card.

A. They do not as a rule put down twice the same job.

Q. Are you in the habit of passing cards similar to the one I have just shown you where there is no work shown opposite the number, [264—176] checking it up and allowing time for that unenumerated work?

Mr. FRANK.—The cards show he is not in the

(Testimony of Robert Adamson.)

habit of doing it. There might be an oversight now and then.

A. I knew that man was working on the job on the number that is checked off at that time.

Mr. McCLANAHAN.—Q. That is the best you can say to my question?

A. Yes, sir, at that time.

Q. I hand you the card of G. Martioli of September 18th, being card "Adamson Exhibit No. 21," where it appears that you have checked to the operator's account 6 hours of time under job 5295. Will you please tell me what work was done during those six hours?

A. Well, that helper would be helping on that job number the different people working on that job number. He would be helping all the men who would be working on that number. He is a shop helper.

Q. You have no other explanation to make, Mr. Adamson, of the card's failure to show what work he was doing during those six hours?

A. Not the helper.

Q. What is that?

A. The helpers are helping all round on the different jobs that is under that head in the shop. They do not specify every little thing they are doing as a rule under one number.

(A recess was here taken until 2 P. M.) [265—
177]

(Testimony of Robert Adamson.)

AFTERNOON SESSION.

ROBERT ADAMSON, cross-examination resumed.

Mr. McCLANAHAN.—Mr. Frank, I am finding great difficulty in properly examining these time-cards and cross-examining this witness because of my lack of knowledge of the job numbers pertaining to the “Hilonian.” These cards evidently have mixed with “Hilonian” numbers which I don’t know, a great many other numbers that are not “Hilonian” job numbers. If you can furnish me those numbers now I think it would expedite the matter of the cross-examination of this witness very much.

Mr. FRANK.—In what way does it embarrass you?

Mr. McCLANAHAN.—Well, there is no designation on the card opposite the number as to who the work was for, and I am absolutely lost to know how to read the card intelligently or to cross-examine the witness, if I see fit to, on that point. I have an impression that 5295 is an “Hilonian” number.

Mr. FRANK.—I am sure I don’t know what the “Hilonian” numbers are.

Mr. McCLANAHAN.—You certainly have means of finding out.

Mr. FRANK.—Yes, but not now, not at this time.

Mr. McCLANAHAN.—All this card record aside from the “Hilonian” work is immaterial in this case.

Mr. FRANK.—Certainly it is.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—If we had the card numbers we could agree to eliminate from the cards all other numbers.

Mr. FRANK.—We will tabulate it for you, if that is what you want.

Mr. McCLANAHAN.—I suppose you will have to do that [266—178] before the case is over, but can't you do it now?

Mr. FRANK.—I suppose we can tabulate it.

Mr. McCLANAHAN.—I don't want these tabulated; I want simply the job numbers on the "Hilonian."

Mr. FRANK.—Well, we will get them. Can't you examine the witness without those this afternoon?

Mr. McCLANAHAN.—I am handicapped without them but I will proceed with the examination.

Mr. FRANK.—Well, of course, if you can do it—I don't want to encumber the record unnecessarily if you think you can cut the record down.

Mr. McCLANAHAN.—You recognize that there is a great deal on these cards that is immaterial to this case?

Mr. FRANK.—And there are a lot of things in the whole nine hours that don't go as against the "Hilonian."

Mr. McCLANAHAN.—And all that does not go against the "Hilonian." We could eliminate all that from the record if we knew the time numbers.

Mr. FRANK.—You could have eliminated it all

(Testimony of Robert Adamson.)

anyhow if you had sat down and checked them up with us.

Mr. McCLANAHAN.—I should think that would be a very easy matter to do, Mr. Curtis.

Mr. FRANK.—Mr. Curtis is neither witness nor boss nor attorney in this matter. He is not to answer. This is not for the record.

Mr. McCLANAHAN.—He is assisting you, Mr. Frank.

Mr. FRANK.—Yes, he is assisting me but that is no part of the record.

Mr. McCLANAHAN.—It is from him you are getting all these cards. [267—179]

Q. Mr. Adamson, did you know a man named David Doig, Sr.?

A. I do know a man by that name.

Q. Was he in the machine-shop of the United Engineering Works in August and September, 1909?

A. Yes.

Q. What was his position there?

A. Foreman.

Q. I thought you said you were the only foreman in the machine-shop at that time?

A. Not at that time, sir. I never said such a thing. I said I am the only foreman in the shop now. I stated that before this, that I was not the machine-shop foreman at that time; I was the assistant foreman on the surface-table. I explained that this forenoon.

Q. Well, we have had on our side of this case a misapprehension of your testimony.

(Testimony of Robert Adamson.)

A. I explained that distinctly this morning. I could not have been more explicit if I wanted to.

Q. So you were not the foreman at the time the work was done on the "Hilonian" in August and September?

A. I was not the shop foreman at that time. I was only the assistant foreman. It was my business to check the work as it came in and impress the numbers on it, and see that it went out under that number.

Q. Is David Doig still with the company?

A. He is not in the Alameda shop.

Q. Do you know where he is?

A. He still lives in Alameda and as far as I know he is still with the firm.

Q. What does he do? A. I don't know.

Mr. FRANK.—Well, now, I object to that sort of a fishing business. You can find Mr. Doig, if you want to, for I don't think this is the proper place to do it.

Mr. McCLANAHAN.—Q. How do you know that he is still with the firm? [268—180]

A. As far as I do know, I say he is still with the firm. I never have seen him to speak to him for practically the last 4 or 5 months. I am sure I did not.

Q. Then so far as you know he is not with the firm?

A. I don't know. I say as far as I know he is with the firm yet. I have said that three times, I think.

(Testimony of Robert Adamson.)

Q. Don't you know that the tug "Ranger" was at the works when the "Hilonian" work was being done? A. I don't know that.

Q. Don't you know that? A. I don't know it.

Q. Don't you know that the "Buckman" was there?

A. I don't know what vessels were there when the "Hilonian" was at the shop. I could not tell any man that.

Q. You know that the "Hilonian" was there?

A. I know that the "Hilonian" was there but I could not tell the date when the "Hilonian" was there.

Q. I call your attention to the card of William Schmidt, being one of Adamson's Exhibit 96, dated September 19, 1909, and I ask you to tell me what work job No. 5295 was charged with for the 11 hours of overtime shown by the card. This is the one (indicating).

A. Just excuse me for a moment, please.

Q. You are not looking at the card I referred to. That is the reason I interfered, Mr. Adamson.

A. I don't know what boat that lumber was on.

Q. I didn't ask you that. I asked you what work was done for job 5295 on that day for which 11 hours overtime is charged?

Mr. FRANK.—Let me look at that. Is that overtime?

Mr. McCLANAHAN.—It is Sunday.

A. It had been coupling bolts, worked under that number.

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Apostles

(In 7 Volumes.)

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(Testimony of Robert Adamson.)

Mr. FRANK.—Q. One moment. Do you charge up the overtime, or is that done in the office? [269—181]

A. That is plain time. If they worked 11 hours overtime on that they put on the overtime.

Mr. McCLANAHAN.—That is cross-examination, Mr. Frank?

Mr. FRANK.—Well, I know, but the purpose of cross-examination is to develop the truth.

Q. Under what number is that, Mr. Adamson? Just look at the number; he asked you about 5295.

A. 5295.

Mr. McCLANAHAN.—Q. Is your answer the same? A. Just the same.

Q. Are you enabled, from an examination of the card, to say that it was coupling bolts on which the work was done for 5295?

A. Because the job is duplicated down below, what he was doing above there. He was doing the same job for the other number.

Q. That is, the ditto marks are what enable you to say that? A. Yes.

Q. And that is all?

A. And I knew at the time just exactly what the man was working on.

Q. Is that all that enables you to say that the work was coupling bolts—the ditto marks?

A. The ditto marks stand for coupling bolts under that number.

Q. You will notice that the ditto marks are under the word “Buckman” will you not?

A. I know that because it comes after the number

(Testimony of Robert Adamson.)

of the job it was worked on.

Q. How many men had you in the tool-room in September and August, 1909?

A. We would at least have four.

Q. Four men? A. At least four men

Q. What were the duties of those men—handing out tools to the different jobs?

A. Making special tools for special jobs.

Q. Making tools?

A. Yes, making special tools for special [270—182] jobs. That is what they do there. And handing out tools for other jobs, too.

Q. I hand you the card of Alfred Boyer, "Adamson's Exhibit 12," under date of August 24, 1909. Alfred Boyer was in the tool-room at that time, was he?

A. At that time. If it is on that card, he was there at that time.

Q. I find by this card that job 5295 is charged as 12½ hours work tool-room; under August 27, the same exhibit, the same number is charged with 13 hours work tool-room; August 26, the same exhibit, the same number is charged with 13 hours tool-room; August 25, the same exhibit, the same number is charged with nine hours, tool-room; August 28, the same exhibit, the same number is charged with 12 hours tool-room. Will you tell me what that charge is for, or rather, the charges that have been referred to in the tool-room, what they are for?

A. All I have to say is that he was working on these numbers, for these numbers at the time, and

(Testimony of Robert Adamson.)

they were correctly checked off at the time I checked off these cards. I can't tell you the specific job he was doing.

Q. You don't know what he was doing?

A. I can't tell you now what he was doing specifically, but he was in the tool-room. As it is checked off he was there in the tool-room at that time and working for that number.

Q. I refer you to cards of the same man, under exhibit 13, of date the 13th of September, the 14th, the 15th, the 16th and the 19th of September, and one card not dated; on the last card No. 5295, is charged with $11\frac{1}{2}$ hours tool-room; on September 13 there is a charge of $11\frac{1}{2}$ hours tool-room; September 14, a charge of $11\frac{1}{2}$ hours tool-room; September 15, a charge of $11\frac{1}{2}$ hours tool-room; September 16, a charge of $11\frac{1}{2}$ hours [271—183] tool-room; September 17, a charge of $11\frac{1}{2}$ hours tool-room; September 19, a charge of $11\frac{1}{2}$ hours tool-room, all charged to job No. 5295; do you know what work that was?

A. I know that that had been some special job which was at the works at that time and this man was working in the tool-room in connection with that job all the time that is marked there, if it is checked off by me.

Q. That is all you know about the work?

A. That is all that I know about it.

Q. I refer you now to the cards of the same man, Alfred Boyer, under "Adamson's Exhibit 14," of date August 29, August 30, August 31, September 1st, September 2d, September 3d, September 4th,

(Testimony of Robert Adamson.)

September 5th, September 6th, September 7th, September 8, September 9th and September 10th, 1909, on which a charge is made for tool-room work as follows: 12 hours on August 29; 13 hours on August 30; 12 hours on August 31; 11½ hours on September 1st; 11½ hours on September 2d; 11½ hours on September 3d; 11½ hours on September 4th; 11½ hours on September 5th; 11½ hours on September 6th; 11½ hours on September 7th; 11½ hours on September 8th; 11½ hours on September 9th and 11½ hours on September 10th, all charged to job No. 5295; I ask you if you know what that work was?

A. I make the same answer in regard to that, that they are checked off by me there and that they were correct at the time.

Q. That does not answer my question: you don't know what work they cover?

A. I cannot recall the work they were doing at that time.

Q. You don't know that it was even work for the "Hilonian"?

A. I don't know that it was even work for the "Hilonian," but I [272—184] would know at the time though.

Q. With reference to this tool-room work referred to in Exhibits 12 and 13 and 14, can you tell me of anyone who would know of the character of that work?

A. No, sir, I can't tell you who can tell you about that. If they keep records of the like of that in the shop, or rather, in the office, you can get it there.

(Testimony of Robert Adamson.)

Q. I hand you the card of William L. Megow, bearing "Adamson's Exhibit 31" under date of September 18th, and call your attention to a change on the card in the number opposite "5 hours work done on balance cylinder"; the original entry of the number being 5295 and it being erased and in lieu thereof has been inserted No. 5398; I ask you if you know anything about that change, or the reason for it?

A. Well, it will be found that the number of the balance cylinder, when we put it on his card, it would be altered to the proper number.

Q. That is, he made a mistake in the number?

A. The man himself who put down the number put the wrong number down.

Q. That is, he put it down 5295 and it should have been 5398?

A. It must have been when it was checked off.

Q. I hand you again the card of John C. Mellow, "Adamson's Exhibit No. 50," under date of September 20, and call your attention to the entry on that, and ask if that has anything in it that would modify your answer with reference to Mr. Megow's card; the entry on the card I now hand you being work of $12\frac{1}{2}$ hours on the balance cylinder, charged to job 5295?

A. All that I have got to say is that that was correctly marked by me at the time. Whatever the cause was of it I can't tell now, but it was checked off as right at the time. [273—185]

Q. So that if these two numbers 5398 and 5295 refer to the same job, then there is a case where there

(Testimony of Robert Adamson.)

are two job numbers for the same class of work?

Mr. FRANK.—That is a matter of argument.

A. That has been already explained this forenoon.

Mr. McCLANAHAN.—Q. Explain it again, with reference to the balance of them.

A. There would be so much ordered, and the first order number would be given, and then the officials of the ship would probably change their minds, which they often do, and would then order something else to be done in connection with the same ship which had not been mentioned in the same number.

Q. So you would give a separate number for that other work? A. Yes, sir.

Q. In order to keep track of the work?

A. In order to keep track of it and to charge the work.

Q. So that if the original work on this balance cylinder was commenced under job No. 5295, and later on there was additional work, or changed work on the balance cylinder, they would keep track of that change by giving it a new number?

A. By giving it a new number.

Q. That is an easy way to do it, is it not, it is a practical way to do it, is it not?

Mr. FRANK.—Well, you had better argue that with somebody else. That is not proper.

Mr. McCLANAHAN.—State your objection, Mr. Frank.

Mr. FRANK.—That is my objection.

Mr. McCLANAHAN.—Q. Now, answer the ques-

(Testimony of Robert Adamson.)

tion: that is a practical way to keep track of the work?

A. Well, it works out practically in our work—that is all I know, so far as the machine-shop is concerned. [274—186]

Q. With reference to the balance cylinder I call your attention to the card of C. Chaquette, being part of “Adamson’s Exhibit 44 and dated September 15th; the entry on the card under job No. 5295 is “Balance valve cylinder”; would you say, according to the theory with which you have explained the other two cards of Mellow and Megow, that in the light of Chaquette’s card there had been any change in the work on the balance cylinder from 5295 up to the date of Chaquette’s card, September 15th. You will notice that Mellow’s card is September 10th, Chaquette’s is September 15th and both balance cylinder work are charged under the same number. That would indicate that there was no change in that work, would it not?

A. There might have been two numbers going on at the same time on that same job. That is quite possible.

Q. Just answer my question, please.

Mr. FRANK.—Well, that is his answer.

Mr. McCLANAHAN.—Q. With reference to the balance cylinder work there was no change in the work up to that date, September 15th?

A. I am answering you that probably both numbers were on at the same time.

Q. They are the same numbers?

(Testimony of Robert Adamson.)

A. Two different numbers on the same job, what the specifications called for, and two different numbers were probably going on at the same time on the cylinder. As I say, the cylinder in the first specifications only called for so much; well, they changed their mind and they were not probably started when they wanted something else done to it; well, that was given a fresh number to keep track of that work. As the jobs go on they were probably going on under the different numbers at the same time. [275—187]

Q. I understand you. The fact that Megow's card, dated September 18th, has this balance cylinder work changed on the card itself from No. 5295 to 5398 indicates, does it not, that prior to that that balance cylinder work had been carried on under 5295?

A. Not necessarily.

Q. N. Vasen was a machinist's helper, was he not?

A. Yes, as far as I can recall.

Q. Do you remember this morning that I called your attention to a card where a helper had been credited with six hours work and nothing to denote after it what the work was? A. Yes, sir.

Q. I call your attention to N. Vasen's card of August 28, under "Adamson's Exhibit 73," where he is credited with 9 hours work on jobs 4858 and 5295 for helping; is not that the way the credits would be made out where the man was simply helping and it was hard to designate the labor in any other way?

A. If I am not mistaken I explained that this morning, that a helper in the shop has got to help anyone who is working on that number when he is

(Testimony of Robert Adamson.)

called upon to help them. He does not specifically put down the name of every piece he is working on; his duty is to help all the machinists who are working on that number.

Q. But you notice that on that very batch of cards you have in your hand the helper does sometimes put down what he works on?

A. Well, sometimes he does, but I see other times where he is helping a great many parts of the same number and he just puts down that he is helping on that number.

Q. In other words, some of the cards are turned in and O. K.'d by you where the work is itemized, where it is not itemized and [276—188] where it does not even appear on the card at all, and checked up and O. K.'d by you?

A. When I check up a card I know that that man has been working on that work.

Q. But suppose the card does not show any work?

A. If the number of the job was not there it would not be checked off, would it?

Q. But so long as the job number was there, you check off and credit the man with the number of hours of his work on that job number, whether the job number shows the work, or not?

A. Yes, because I know that the man has been working on that number, on that job.

Q. I hand you the cards of James B. Gordon, being "Adamson's Exhibit 82," and call your attention specifically to the cards of September 14th and September 15th; the former is a credit of 9 hours on job

(Testimony of Robert Adamson.)

No. 5295, for eccentric straps; the latter is a credit of 14 hours to job No. 5325, for eccentric straps. Can you explain if those are for the same ship, why there should be two job numbers for two days following each other on the same work.

A. I give the same explanation as regards the thrust-collars and the balance cylinder.

Q. That is, that after the work was commenced, the eccentric straps on September 14th, and that work had been given job No. 5295, there was additional work agreed upon to be done on the eccentric straps which necessitated the giving of another job number the next day?

A. That second number was put on the job at the time for some reason and—

Q. (Intg.) Have I stated correctly the reason?

Mr. FRANK.—Let him finish his answer. [277—189]

A. (Continuing.) For some reason that number was put on there, the eccentric straps.

Mr. McCLANAHAN.—Q. Have I stated correctly your reason why it was put on there, the second number?

A. Well, for the same reason that they put two numbers on the balance cylinder. So far as I recall, that is the reason—that is my reason. That is the reason why there were two numbers on the same job. There might be some other reason for it.

Q. Because there was some subsequent change in that work? A. Yes.

Q. Do you know of any other reason why the same

(Testimony of Robert Adamson.)

work should be given two job numbers?

A. No, sir, I don't know.

Q. What do you use the trolley rails in your shop for?

A. What kind of trolley rails? What do you call trolley rails?

Q. Don't you know what trolley rails are?

A. Trolley rails on the crane?

Q. Don't you know what trolley rails are?

A. Well, there are trolley rails—we call them the trolleys on the crane, they swing cranes on the trolley.

Q. You have introduced here on your oath an item of work done on trolley rails?

A. Well, it was done then.

Q. What are trolley rails?

A. Well, probably used for some ship, used in swinging the piston out of the cylinder, swinging that along. The trolley goes along the top of the cylinder, that is, on ships.

Q. On ships?

A. Yes. That is called the trolley rail for convenience of the engineers taking the piston out of the cylinder. [278—190]

Q. I call your attention to your own card, "R. Adamson," being "Adamson's Exhibit No. 99," of date of September 21, where you have charged job number 5398 with 3 hours work on trolley rails in the machine-shop. Will you tell me about that work and what it was?

A. It must have been trolley rails for that job.

(Testimony of Robert Adamson.)

What the trolley rails were used for, that is the proper name given at that time and was checked by me as the correct name for the job, and the correct job, too.

Q. We are now dealing with a card you made out yourself? A. Yes, sir.

Q. That is your own handwriting, is it not?

A. Yes, sir.

Q. Haven't you any accurate knowledge of what you meant when you put down "trolley rails" on that card?

A. No, I could not recall now what ship that trolley rail was for.

Q. Do ships have trolley rails?

A. I explained that lots of ships have trolley rails along above the engine for the convenience of the engineer lifting the pistons out of the cylinders, and the cylinder-heads off, and that it must have been a trolley rail in connection with some ship that I was working on in the shop.

Q. That would mean then that the trolley rail had been taken out of the ship and you had taken it into the shop and you were working on it?

A. Yes, sir.

Q. It could not mean anything else?

A. It probably could not have been on the ship, except that it went through my hands. It was probably a new trolley rail that never had been aboard a ship up until that time. I might have been preparing it for some boat. [279—191]

Q. At any rate, it was work on a trolley rail for a

(Testimony of Robert Adamson.)

ship? A. Yes, for a ship.

Q. Either a new one or—

A. (Intg.) Either a new one or one getting altered which had been on a ship before.

Q. Have you any trolley rails in your shop similar to those that you have testified are to be found on ships? A. No, sir.

Q. You have no overhead rails on which trolleys run?

A. None, with the exception of these swinging cranes. We don't call the rails trolleys, but they can be called trolley rails. If trolley poles run on them we call them trolleys. But a trolley rail could not be in connection with any of these cranes at all. If I had it on a ship's number it was a trolley rail for that ship that I worked on.

Q. Any rail on which a trolley runs could be called a trolley rail? A. Yes, sir.

Q. You have trolleys in your shop?

A. Nothing except the trolleys for these swinging cranes.

Q. I say you have trolleys in your shop?

A. Yes, sir.

Q. And they run on rails? A. Yes, sir.

Mr. FRANK.—What do you want to deduce from that?

Mr. McCLANAHAN.—You will find out later.

Mr. FRANK.—Well, I know.

Mr. McCLANAHAN.—That is, you will find out later if that is our number. That is one of the disadvantages under which I am laboring. I have to

(Testimony of Robert Adamson.)

guess at the fact that 5398 is one of our numbers.

Mr. FRANK.—Well, you have the numbers. You know you have.

Mr. McCLANAHAN.—I have the numbers on the bills, yes, [280—192] and I find they cannot be checked up with the numbers on the time-book at all. Now, you can help me out a great deal if you will; you can shorten this examination.

Mr. FRANK.—And you could have helped me out long ago by admitting the things that you know are correct, without putting me to all the trouble of going into this detail.

Mr. McCLANAHAN.—I have done that in my answer.

Mr. FRANK.—No, you have not.

Mr. McCLANAHAN.—Q. I call your attention to the card of W. B. Thomas, one of Adamson's Exhibits, 55, a card of August 27, 1909; the entry on the card reads, "5295 job number, 4½ hours' work, boring bar tools, etc., floor"; then under that is the following: "5295, 5 hours, working cylinder." Can you explain what the first item of work is, Mr. Adamson, "boring bar tools, etc., floor"?

A. Yes. He is preparing special tools for this boring bar on the floor. This is a distinguishing word, to distinguish between working on the floor and on a machine, because they charge at different rates, as far as I understand. The floor rate is different from the machine rate. When a man works on a machine, if his order is to put his time on the floor, the time that he is preparing the tools for that

(Testimony of Robert Adamson.)

job, before he actually starts on the machine, because it is a much higher rate on the machine; the floor work is charged at, I suppose not much more than half of the machine work. He is a man who works on the boring mill and uses these boring-bars all the time. He puts his distinguishing mark there when he is working on the floor preparing the special tools for that boring bar to bore a certain job. When he starts to work on the cylinder, then his time goes on the machine which is about double what it is on the floor.

Q. Then that first item is a credit of about $4\frac{1}{2}$ hours for preparing tools to be used in certain work?

A. Yes, sir, preparing tools to be used in special work. [281—193]

Q. Mr. Adamson, a man does not get overtime until he has worked his full hours of straight time?

A. No, sir.

Q. Unless it is Sunday or a holiday?

A. Unless it is Sunday or a holiday.

Q. He has got to work his full straight hours and then he gets overtime after that?

A. All over his straight day's work is overtime.

Q. My point is, he does not get overtime until he has first worked his straight time?

A. Certainly not.

Q. Where a man is working straight time on one or two or more jobs, and then on the same day works overtime on another job, do you know which job is charged with the overtime?

Mr. FRANK.—One moment.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—I am asking him if he knows.

Q. I say, do you know?

A. I do know the job he is putting overtime on. At the time I make out that card I know what job he has been working overtime on.

Q. So that if a man works on job 500 nine hours of straight time and then works overtime five hours on the same day for job No. 600, job No. 600 is charged with the overtime?

A. Charged with all the overtime.

Q. That is the rule of the office?

A. That is the rule in the office.

Q. You know, do you?

A. I know that from my dealings in the office in connection with the time-cards.

Q. You are perfectly sure about that?

A. I am perfectly sure about that.

Q. Let us have no misunderstanding. [282—194]

Mr. FRANK.—What is the use of all that?

Mr. McCLANAHAN.—Q. Where one job consumes all the straight time, and the man on the same day is given another job number and works last on that, the last number is charged with the overtime?

A. The number on which he works overtime is charged with all the overtime.

Mr. McCLANAHAN.—Mr. Frank, will you please now produce the clock cards, if you have them ready?

Mr. FRANK.—We have got them indexed so that we can turn to them, but they have got to be readjusted first.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Can I inspect them in the morning?

Mr. CURTIS.—Yes. We will work on them to-night.

Mr. McCLANAHAN.—Subject to the privilege of further cross-examination on the clock cards, I have finished my cross-examination.

Mr. FRANK.—Then we had better adjourn and finish your cross-examination to-morrow morning. I want the whole cross-examination in before I begin.

Mr. McCLANAHAN.—Q. Mr. Adamson, do you know anything about these clock cards more than appears on the face of the cards?

A. Nothing at all. I have nothing to do with the clock cards whatever; nothing whatever; they do not come under my notice at all in the office. All that I have got to do is to see that the time-cards are correct for the man that I have been looking after, and have nothing more to do with it.

Mr. McCLANAHAN.—I have finished with my cross-examination.

Mr. FRANK.—Then we will go on in the morning.

Mr. McCLANAHAN.—Why not go on now?

Mr. FRANK.—Because I am not prepared. You have cross-examined [283—195] this man for a whole day. I have to go over this testimony and prepare myself.

Mr. McCLANAHAN.—Then I have not closed my cross-examination. Subject to the production of the clock cards, I close.

Mr. FRANK.—All right. Is that change a mere

(Testimony of Robert Adamson.)

attempt to force on my re-examination?

Mr. McCLANAHAN.—I do not want to force you, Mr. Frank, but it is only 3 o'clock.

Mr. FRANK.—It seems to be so. You had made up your mind until Mr. Derby came over and whispered to you. Then you changed front.

(An adjournment was here taken until to-morrow, Saturday, August 19th, 1911, at 9:30 A. M.) [284—196]

Saturday, August 19th, 1911.

ROBERT ADAMSON, recalled, direct examination resumed.

Mr. McCLANAHAN.—Q. Mr. Adamson, is there an assistant foreman in the machine-shop now?

A. Yes, sir; there is a man on the surface plate that fills the position I had at the time this work was going on.

Q. Who checks up the time now? A. I do.

Q. As foreman? A. Yes, sir.

Q. Why did Mr. Doig check it up as foreman in August and September, 1909?

A. I cannot tell you that.

Q. Did Mr. Doig have anything to do with the cards?

A. No, sir; he never supervised the cards at all. It was deputed to me to supervise the cards.

Q. He did not even check over your work?

A. He knew that I was doing it right.

Q. Answer the question. He did not even check over your work?

A. He did not check over my time-cards.

(Testimony of Robert Adamson.)

Q. It is not usual for the foreman to check over the time-cards where they are checked up by an assistant timekeeper?

A. That is something I cannot answer, because I never worked at any other place where the time-cards were turned in in the same way as they are in that work.

Q. I notice that none of these time-cards are signed as correct. Do you know why?

A. For this reason, that I never was asked to sign any card. I was only ordered to overlook these cards and see that they were correct.

Q. Who gave you the orders?

A. From the office I got orders to do it.

Q. Who, in the office?

A. I don't know. The order was [285—197] sent to me from the office.

Q. Sent to you from the office? A. Yes, sir.

Q. Sent by anyone, a written order?

A. No, sir, not that I can recall.

Q. Can you recall the order at all?

A. I cannot recall the order.

Q. Was it a written order?

A. I cannot recall whether it was written or verbal at the present moment, but I got my orders from the office.

Mr. McCLANAHAN.—Have you the clock cards, Mr. Frank?

Mr. FRANK.—Yes. (Handing.)

Mr. McCLANAHAN.—Are they in any order?

Mr. FRANK.—No.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Not at all?

Mr. FRANK.—No.

Mr. McCLANAHAN.—Do they cover the men embraced in the 103 exhibits of the time-cards?

Mr. FRANK.—I presume they do as far as I know.

Mr. McCLANAHAN.—I will now introduce the clock cards of the following men for the following periods:

C. Schmidt, pay ending September 25th, 1909, Exhibit R. A. #1.

C. Schmidt, pay ending September 11th, 1909, Exhibit R. A. #2.

John Benson, pay ending September 25th, 1909, Exhibit R. A. #3.

John Benson, pay ending September 11th, 1909, Exhibit R. A. #4.

P. Mockel, pay ending September 11th, 1909, Exhibit R. A. #5.

P. Mockel, pay ending September 25th, 1909, Exhibit R. A. #6.

John P. Wojdaeki, pay ending September 25th, 1909, Exhibit R. A. #7.

D. Stimmel, pay ending August 28th, 1909, September 11th, 1909, September 25th, 1909 (3 cards), #8a, #8b, #8c. [286—198]

George Driscoll, pay ending August 28th, 1909, and September 11th, 1909 (2 cards), Exhibit R. A. #9a, #9b.

Willie Zaddart, pay ending September 11th, 1909, Exhibit R. A. #10.

(Testimony of Robert Adamson.)

Howard Beneleit, pay ending September 11th, 1909,
Exhibit R. A. #11.

Alfred Boyer, pay ending August 28th, 1909, Ex-
hibit R. A. #12.

Alfred Boyer, pay ending September 25th, 1909, Ex-
hibit R. A. #13.

Alfred Boyer, pay ending September 11th, 1909, Ex-
hibit R. A. #14.

H. G. Strowenjans, pay ending August 28th, 1909,
Exhibit R. A. #15.

H. G. Strowenjans, pay ending September 25th, 1909,
Exhibit R. A. #16.

H. G. Strowenjans, pay ending September 11th, 1909,
Exhibit R. A. #17.

C. W. Higgins, pay ending August 28th, 1909, Ex-
hibit R. A. #18.

C. W. Higgins, pay ending September 11th, 1909, Ex-
hibit R. A. #19.

G. Martioli, pay ending August 28th, 1909, Exhibit
R. A. #20.

G. Martioli, pay ending September 25th, 1909, Ex-
hibit R. A. #21.

G. Martioli, pay ending September 11th, 1909, Ex-
hibit R. A. #22.

William Hay, pay ending August 28th, 1909, Exhibit
R. A. #23.

William Hay, pay ending September 25th, 1909, Ex-
hibit R. A. #24.

William Hay, pay ending September 11th, 1909, Ex-
hibit R. A. #25.

(Testimony of Robert Adamson.)

James McDonald, pay ending August 28th, 1909, Exhibit R. A. #26.

James McDonald, pay ending September 25th, 1909, Exhibit R. A. #27.

James McDonald, pay ending September 11th, 1909, Exhibit R. A. #28.

James Kaszner, pay ending September 25th, 1909, Exhibit R. A. #29.

W. L. Megow, pay ending September 11th, 1909, Exhibit R. A. #30.

W. L. Megow, pay ending September 25th, 1909, Exhibit R. A. #31.

James Wilson, pay ending September 25th, 1909, Exhibit R. A. #32.

James Wilson, pay ending September 11th, 1909, Exhibit R. A. #33.

John P. Wojdacki, pay ending September 11th, 1909, Exhibit R. A. #34.

F. M. Fleming, pay ending September 11th, 1909, Exhibit R. A. #35.

F. M. Fleming, pay ending September 25th, 1909, Exhibit R. A. #36. [287—199]

Rudolf Shafer, pay ending September 11th, 1909, Exhibit R. A. #37.

C. F. Peaslee, pay ending September 11th, 1909, Exhibit R. A. #38.

Joe Larrando, pay ending September 25th, 1909, Exhibit R. A. #39.

Joe Larando, pay ending September 11th, 1909, Exhibit R. A. #40.

(Testimony of Robert Adamson.)

- A. B. Watson, pay ending September 25th, 1909, Exhibit R. A. #41.
- A. B. Watson, pay ending September 11th, 1909, Exhibit R. A. #42.
- C. Chaquette, pay ending September 11th, 1909, Exhibit R. A. #43.
- C. Chaquette, pay ending September 25th, 1909, Exhibit R. A. #44.
- V. Williams, pay ending September 11th, 1909, and September 25th, 1909 (a cards), Exhibit R. A. # 45a, #45b.
- J. B. Pennycott, pay ending September 25th, 1909, Exhibit R. A. #46.
- J. B. Pennycott, pay ending September 11th, 1909, Exhibit R. A. #47.
- John C. Mello, pay ending September 25th, 1909, Exhibit R. A. #48.
- John C. Mello, pay ending September 11th, 1909, Exhibit R. A. #49.
- John C. Mello, pay ending August 28th, 1909, Exhibit R. A. #50.
- J. L. Chandler, pay ending September 25th, 1909, Exhibit R. A. #51.
- J. L. Chandler, pay ending August 28th, 1909, and September 11th 1909 (2 cards), Exhibit R. A. #52a, #52b.
- W. B. Thomas, pay ending August 28th, 1909, Exhibit R. A. #53.
- W. B. Thomas, pay ending September 25th, 1909, Exhibit R. A. #54.

(Testimony of Robert Adamson.)

W. B. Thomas, pay ending September 11th, 1909,
Exhibit R. A. #55.

J. Sucher, pay ending September 11th, 1909, Exhibit
R. A. #56.

J. Sucher, pay ending September 25th, 1909, Exhibit
R. A. #57.

F. K. Young, pay ending September 11th, 1909, Ex-
hibit R. A. #58.

F. K. Young, pay ending August 28th, 1909, Ex-
hibit R. A. #59.

F. K. Young, pay ending September 25th, 1909, Ex-
hibit R. A. #60.

Gus Albers pay ending

Gus Albers, pay ending October 9th, 1909, Exhibit
R. A. #62. [288—200]

David Doig, Jr., pay ending August 28th, 1909, Ex-
hibit R. A. #63.

David Doig, Jr., pay ending September 11th, 1909,
Exhibit R. A. #64.

David Doig, Jr., pay ending September 25th, 1909,
Exhibit R. A. #65.

Axel Persson, pay ending August 28th, 1909, Exhibit
R. A. #66.

Axel Persson, pay ending September 11th, 1909, Ex-
hibit R. A. #67.

Axel Persson, pay ending September 25th, 1909, Ex-
hibit R. A. #68.

John Ross, pay ending September 25th, 1909, Exhibit
R. A. #69.

N. P. Hicks, pay ending September 25th, 1909, Ex-
hibit R. A. #70.

(Testimony of Robert Adamson.)

N. Vassen, pay ending September 25th, 1909, Exhibit R. A. #71.

N. Vassen, pay ending September 11th, 1909, Exhibit R. A. #72.

N. Vassen, pay ending August 28th, 1909, Exhibit R. A. #73.

Tore Francisco, pay ending August 28th, 1909, Exhibit R. A. #74.

Tore Francisco, pay ending September 25th, 1909, Exhibit R. A. #75.

Tore Francisco, pay ending September 11th, 1909, Exhibit R. A. #76.

George A. Dunn, pay ending September 11th, 1909, Exhibit R. A. #77.

Rudolf Dolenski, pay ending August 28th, 1909, Exhibit R. A. #78.

Rudolf Dolenski, pay ending September 11th, 1909, Exhibit R. A. #79.

J. Jackson, pay ending September 11th, 1909, Exhibit R. A. #80.

B. Materne, pay ending September 11th, 1909, Exhibit R. A. #81.

James B. Gordon, pay ending September 25th, 1909, Exhibit R. A. #82.

B. Materne, pay ending August 28th, 1909, Exhibit R. A. #83.

M. D. Souza, pay ending September 11th, 1909, Exhibit R. A. #84.

M. D. Souza, pay ending September 25th, 1909, Exhibit R. A. #85.

(Testimony of Robert Adamson.)

H. Sutherland, pay ending September 11th, 1909, Exhibit R. A. #86.

J. Cameron, pay ending August 28th, 1909, Exhibit R. A. #87.

Thomas Pickersgill, pay ending September 25th, 1909, R. A. #88.

Thomas Pickersgill, pay ending September 11th, R. A. #89.

G. D. Doig, pay ending September 25th, 1909, Exhibit R. A. #90. [289—201]

G. D. Doig, pay ending September 11th, 1909, Exhibit R. A. #91.

George Cuthbert, pay ending September 25th, 1909, Exhibit R. A. #92.

George Cuthbert, pay ending September 11th, 1909, Exhibit R. A. #93.

William Schmidt, pay ending September 11th, 1909, Exhibit R. A. #94.

William Schmidt, pay ending August 28th, 1909, Exhibit R. A. #95.

William Schmidt, pay ending September 25th, 1909, Exhibit R. A. #96.

R. Turner, pay ending September 11th, 1909, Exhibit R. A. #97.

R. Turner, pay ending September 25th, 1909, Exhibit R. A. #98.

R. Adamson, pay ending September 25th, 1909, Exhibit R. A. #99.

R. Adamson, pay ending August 28th, 1909, Exhibit R. A. #100.

(Testimony of Robert Adamson.)

R. Adamson, pay ending September 11th, 1909, Exhibit R. A. #101.

F. C. Heath, pay ending September 11th, 1909, Exhibit R. A. #102.

F. C. Heath, pay ending September 25th, 1909, Exhibit R. A. #103.

Mr. McCLANAHAN.—That is all.

(An adjournment is here taken until Monday, August 21st, 1911, at 9:30 A. M.) [290—202]

Monday, August 21, 1911.

ROBERT ADAMSON, recalled.

Mr. McCLANAHAN.—What is the last thing you have in the transcript of Saturday's proceedings, Mr. Reporter?

(The Reporter reads.)

That is the close of my cross-examination.

Now, I wish to give notice of a motion which I intend to make before the Court to strike from the records all the witness Adamson's testimony with reference to the time-cards that have been introduced, on the ground that the witness has shown on cross-examination that he has no knowledge of what portion, if any, of the work entered on the time-cards for the respondent's ship "Hilonian" was the respondent's ship "Hilonian," but on the contrary the witness' testimony shows that the only job number appearing on exhibits Adamson 1 to 103, inclusive, of which he has any present recollection was one which covers time and labor for which the respondent cannot be held responsible. And in this connection, I again request counsel to furnish me with the job

(Testimony of Robert Adamson.)

numbers of the work done on the "Hilonian" that I may properly and intelligently cross-examine this witness and others who may follow, and my further knowledge to what extent the exhibits Adamson 1 to 103 are material evidence in this case, even though they should be later on explained and connected up.

Mr. FRANK.—When do you want to take that motion up?

Mr. McCLANAHAN.—The motion will not be necessary unless you refuse my request to give me those numbers.

Mr. FRANK.—They will be given unquestionably when I arrive at [291—203] that point of the testimony which I am called on to prove it, unless you want to admit that those are the job numbers; if you will admit they are the job numbers for this job given out consecutively, of course I will get them for you; otherwise I cannot.

Mr. McCLANAHAN.—Unless I admit what are the job numbers?

Mr. FRANK.—The job numbers I shall give you are the job numbers applying to the "Hilonian."

Mr. McCLANAHAN.—That is all I want. I want your statement of what the job numbers of the "Hilonian" are.

Mr. FRANK.—If you are going to put me to the proof of them that they are the job numbers, I will not be able to do it, but I shall have to call the witness in due time to prove the job numbers as they are given out.

Mr. McCLANAHAN.—I understand you intend

(Testimony of Robert Adamson.)

to call a witness later on to prove the job numbers as they are given out?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Will you please furnish me with the job numbers that you expect to prove are the job numbers of the “Hilonian”?

Mr. FRANK.—I cannot do that, unless you will admit they are the job numbers—

Mr. McCLANAHAN.—I cannot do that.

Mr. FRANK.— —and relieve me of that proof; otherwise I will have to go at it in that way.

Mr. McCLANAHAN.—I think, Mr. Frank, that I will have to decline to go on until that question is settled by the Court. We can go up there now.
[292—204]

Mr. FRANK.—I will redirect the witness, anyhow, because this motion—

Mr. McCLANAHAN.—It is not a motion; it is a reference to the Court as to whether we are entitled to the job numbers that you expect to prove. As I see it, the whole examination of the witness on his direct with reference to the time-cards must be admitted to be immaterial under the showing made under cross-examination unless there is some connection which is evident and the time-cards of the “Hilonian.”

Mr. FRANK.—I expect to make that connection by the proof of another witness. You cannot call on me to produce the evidence until I have in the proper order the witness here to prove it. If you want to admit them as the job numbers of the “Hilonian”

(Testimony of Robert Adamson.)

we might be in a position to make some arrangement in regard to it. You are calling on me for the production of my evidence out of order, and that is hardly in order at all.

Mr. McCLANAHAN.—In order to make good the evidence you have already put in that which is immaterial.

Mr. FRANK.—If I have not made good the evidence that I have already put in that is my lookout.

Mr. McCLANAHAN.—I think we had better go before the Court and settle the question before we proceed any further.

Mr. FRANK.—That is not proper at this time.

Mr. McCLANAHAN.—Why not?

Mr. FRANK.—You have concluded your cross-examination and I am entitled to my redirect examination, and whatever that redirect examination may show with reference to the cross-examination of this witness before that question is brought up before [293—205] the Court.

Mr. McCLANAHAN.—I do not want to quarrel with you, Mr. Frank, as to how we shall proceed, but if we go up there now we will catch the Judge.

Mr. FRANK.—The trouble with that is, that you want to present the question to the Judge on incomplete testimony.

Mr. McCLANAHAN.—Do you expect to prove by this witness the numbers?

Mr. FRANK.—No. I expect to redirect this witness on cross-examination that you have already indulged in, and that was your part.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—That has not anything to do with the immateriality of his evidence, because of the lack of identification of the job numbers.

Mr. FRANK.—You cannot tell until the redirect is done.

Mr. McCLANAHAN.—As I say, Mr. Frank, I do not want to quarrel with you about this particular matter, as to as soon as you have finished with the redirect examination, but we will get the Judge at 10 o'clock if we go out there.

Mr. FRANK.—The Judge cannot pass upon this question without having the testimony before him.

Mr. McCLANAHAN.—It is very simple.

Mr. FRANK.—It is not very simple. The Judge cannot do that offhand, order us to produce any particular part of our evidence. We have presented our evidence in the order we consider proper.

Mr. McCLANAHAN.—I have been objecting to the introduction of immaterial evidence. I have been helpless to prevent the introduction of immaterial evidence. I objected each time but I have been helpless. Now, I have reached a point where I must seek [294—206] recourse. I could not help myself. When you introduce a card and it is not shown that it is connected with the “Hilonian,” it is immaterial, and I object to it on that ground.

Mr. FRANK.—I expect to connect it up. It is every day matter, and done in regular order.

Mr. McCLANAHAN.—I will proceed with this witness now but I will not go any further until that question is settled.

(Testimony of Robert Adamson.)

Mr. FRANK.—Of course I will be pleased to take the matter up when it is in proper shape, with the Court, and argue your motion to strike out or anything else that you may see fit to present to the Court.

Mr. McCLANAHAN.—There is another thing we might take up at this time. I wish, Mr. Frank, that the exhibits as they are introduced in evidence either be placed in the hands of the Commissioner, where I can have access to them, or that you and I amicably agree to let me take them to my office, say overnight. I do not want to intrude on the privacy of your office here; it is not pleasant; but I certainly have the right to examine those exhibits out of hours, and it is not convenient for me to do so if they remain in your possession.

Mr. FRANK.—We shall have to find some way that we can make it convenient for you to examine the exhibits. I have no disposition to withhold them from you.

Mr. McCLANAHAN.—I knew you had not.

Mr. FRANK.—But I want to have it done in some convenient way by which we can insure their not being lost, because they are important exhibits in this case.

Mr. McCLANAHAN.—Put them in the hands of the Commissioner, if [295—207] you are afraid they will be lost, and hold him responsible.

Mr. FRANK.—It is not only that. As I suggested to you some time ago, we will have to fix some way by which they can be kept together; whether in the hands of the Commissioner or otherwise, in handling

(Testimony of Robert Adamson.)

them over, they are liable to be mixed or lost in some way. I do not say that you would lose them intentionally, but there will be a large number of these cards, and we have to find some way, by mutual consent, by which you can handle them and at the same time have them in such a shape that we will be assured that none of them have been lost.

Mr. McCLANAHAN.—Let us decide on some method now. You suggested that they should be kept on a Shannon file.

Mr. FRANK.—I think, to arrange these cards will take a couple of days, and that will need an adjournment until we have got them in shape. I think the file will be a good idea; in fact, the best idea. What do you say if we adjourn for a couple of days to get these things shaped up?

Mr. McCLANAHAN.—I do not see that they are out of order.

Mr. FRANK.—I do.

Mr. McCLANAHAN.—I am talking about the exhibits in the case now.

Mr. FRANK.—That is only a part of them. We have to do the whole set of them. We might as well do it and be done with it, and get them shaped up, so that we will not have any more trouble. Then you can examine them. There is a great deal of labor and detail in this, an enormous amount of labor. Perhaps you do not appreciate the amount of labor it takes to put these into shape until we adjust them so as to facilitate this [296—208] examination; it will take a good deal of time.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—I do not want it. I think it is all immaterial.

Mr. FRANK.—I am satisfied that on that point you will not succeed, and we might as well get them into shape.

Mr. McCLANAHAN.—What I want is an opportunity to examine the exhibits.

Mr. FRANK.—What do you say to adjourning for a couple of days so that we can fix these up in order that you can handle them. We will get a lot of Shannon files, fix them up, and number the cards. Will that suit you?

Mr. McCLANAHAN.—I think two days is a long while to take to do it in.

Mr. FRANK.—I am satisfied we will not succeed in doing it in two days by working all the time; it will take night work and day work to put them together.

Mr. McCLANAHAN.—That is the cards not introduced in evidence.

Mr. FRANK.—These as well as the others.

Mr. McCLANAHAN.—I should like an opportunity to examine these during the recess.

Mr. FRANK.—We will put them into shape. We will adjourn for a day, if you think two days too much, and we will have them together at that time in shape, if we can; otherwise we can adjourn again so as to put them in shape. I am not anxious for this adjournment, because it is robbing me of a great deal of time, more than I expected to give, to this matter. I have some other important things that are

(Testimony of Robert Adamson.)

pushing me very hard.

Mr. McCLANAHAN.—I suggest, if we are going to adjourn for a [297—209] day, that we go before the Court and settle this question of the job numbers.

Mr. FRANK.—I have to superintend this business of the cards. I cannot do two things at a time.

Mr. McCLANAHAN.—Let us proceed with Mr. Adamson's redirect examination.

Redirect Examination.

Mr. FRANK.—Q. Mr. Adamson, you were asked yesterday concerning Doig, Sr.? A. Yes, sir.

Q. And you said that he was the foreman of the shop at this time and you were assistant foreman?

A. Yes, sir.

Q. How long before the time of this "Hilonian" job was it that you were given this work of keeping the time of the men in the shop?

A. About 6 or 8 months before the "Hilonian" was at the works at that time.

Q. Before that time who was keeping the time?

A. The foreman.

Q. Mr. Doig? A. Mr. Doig.

Q. What was the occasion of making the change?

Mr. McCLANAHAN.—That is objected to as immaterial.

Mr. FRANK.—Q. Go on. A. Shall I answer?

Q. Yes.

A. Because it was found that it was too much for the one man to keep track of all the numbers and check the jobs that came in and oversee the work be-

(Testimony of Robert Adamson.)

ing done at the same time.

Q. When you say "keep track of all the numbers" what do you mean? Keep track of the—

Mr. McCLANAHAN.—I object to the suggestion of Mr. Frank.

A. I mean by seeing that the proper number was put on each job [298—210] as it came into the shop.

Mr. FRANK.—Q. How about keeping the proper time of the men?

A. And that the proper time was checked off that was put on that job every day.

Q. By the men? A. No, sir, by me.

Q. I do not mean checked off by the men. I mean the proper time that each man put on the job was checked off?

A. That was my duty, to see that the men's time was properly put down and that it was properly checked, the time they put on each job.

Q. In other words, the duty of keeping the time of the men on each job was the duty that was assigned to you?

A. That was assigned to me; this position that I held at that time was created absolutely for the purpose of keeping the proper time on the separate jobs as they come into the shop, and checking off the time that was put on each job.

Q. You said something about a place-table being put in the shop at that time? A. Yes, sir.

Q. What was the purpose of that place-table?

A. So that I could lay off all the work on any job

(Testimony of Robert Adamson.)

that came into the shop and so that I could be handy right at the door where the jobs were landed and my attention was drawn to the job as it was put down there, and it was my duty to find the proper number of that job and paint it on with white paint before it left my table.

Q. Paint it on with white paint? A. Yes, sir.

Q. Then as I understand you, as it came into the shop it was put on your table?

A. Yes, sir; either on my table or the side of the table. [299—211]

Q. Then you gave it its number by painting it with white paint on to the job?

A. Yes, sir, right on the job.

Q. Then you took it and did what with it?

A. It was assigned to the man who was to work on it.

Q. Who assigned it?

A. I drew the foreman's attention to it, and if he could not take the job at the time, he told me who to give it to.

Q. Then what did you do? Give it to the man?

A. Yes, sir, who was to work on the job.

Q. And take his time? A. And take his time!

Q. On that table, I understood you to say something about a list of numbers for each job. What was that?

Mr. McCLANAHAN.—I object to all this line as improper redirect examination.

A. Yes, sir; I got a list of the numbers from the office which was placed on my desk at the side of

(Testimony of Robert Adamson.)

that table, and on this list I always had to find the number of the job that came in. If the number was not on this list I got the proper number from the office to put on it.

Mr. FRANK.—Q. On this list that had this number on, what, if any, direction was on there with respect to the nature of the work that was to be done under that number?

Mr. McCLANAHAN.—I object to this as improper redirect examination.

A. That was generally specified on the list that I got against the number placed on that job, what was being done on it.

Mr. FRANK.—Q. In detail, or otherwise?

A. Very often in detail. [300—212]

Q. Now, in case a new job came into the shop for a particular ship that was not on the list, or detailed under any particular number, what did you do?

A. I immediately went to the office and found what number I was to place on that job.

Q. How would you get the number, whether verbally or on a sheet?

A. Either a card or a sheet, always written down.

Q. You would take that back to the shop?

A. I would take that back to the shop, and I placed the number given on the job before it left my surface-table.

Q. After all the work on the ship was completed, what did you do with those lists?

A. Those lists were handed back to the office.

Q. Now, with respect to the order in which these

(Testimony of Robert Adamson.)

several jobs and numbers appear on the card, I show you now Adamson's Exhibit 96, simply for the purpose of illustration. There are numbers, 5225, 5401, 5405 and 5404, running from the top down to the bottom. How would they be placed there, whether in the order in which the job was handed in, or was any order observed?

Mr. McCLANAHAN.—That is objected to as improper redirect examination and as suggestive.

A. They are put down in the order that the man works on the job.

Mr. FRANK.—Q. That is, as each job was handed to a man, the number and the job would succeed the previous number and job on the card.

A. That is so.

Q. And the last number on the card would be the last job of that day that came into that man?

A. Yes, sir, that was handed to that man.

Q. And if he worked overtime, it would necessarily be upon that number? [301—213]

Mr. McCLANAHAN.—I object to that as suggestive, and calling for the conclusion of the witness.

A. I say that the man always places his overtime on the last number on his card, the last job on which he works.

Mr. FRANK.—Q. The last job on which he works? A. For that day.

Q. You said something on cross-examination about not being present at night; do you mean to say you did not remain there at any night-time, or any part of the night while work was being done in the shop?

(Testimony of Robert Adamson.)

A. Not necessarily. I would be there pretty often from, say, 8 o'clock or 10 o'clock until 11 at night, and sometimes until 12 o'clock at night. The reason for that was that I never was allowed to work all night, so that I might be there in the morning to have all the work checked as it came into the shop for every day. I was never allowed to work after 12 o'clock for this reason, so that I would be able to be there in the morning.

Q. If you left at 12 o'clock at night, what can you say about your personal knowledge of the work that was being done after 12 o'clock?

Mr. McCLANAHAN.—I suppose, Mr. Frank, that the question is directed to the time in controversy here, August and September, 1909. That is the understanding, is it?

Mr. FRANK.—I am trying to direct my examination to that time, but the cross-examination was not confined to that time. The witnesses were asked general questions that would cover long periods of time, as to their manner of handling the work, and I am crossing him on that same proposition. [302—214]

Q. Go on, Mr. Adamson, and answer the question.

A. Well, I knew the men who were working on the job, and I knew the job they were working on, and I judged how long it would take to do that job, and I judged they had put the proper amount of work on it when I came there in the morning.

Q. Is that the result of your experience in the business?

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—That is objected to as suggestive.

A. Yes, sir.

Mr. FRANK.—Q. That is, whenever a job comes in you know yourself about how long it ought to take to finish that job?

Mr. McCLANAHAN.—I object to that as leading and suggestive.

A. Yes, sir.

Mr. FRANK.—Q. You were asked concerning work on tools. State whether or not each particular job may require special tools that are not of any use on any other job.

A. As a general thing, when a job comes into the shop and it is found necessary to make special tools for that job—and it is found necessary often to make special tools for that job, and that job alone—as I understand, the rule is that the engineer has the privilege of taking these tools with the ship, because they are made especially for that ship and to be used on that ship; it is a rule that these tools are charged to any job and they have the privilege of taking these tools with the job.

Q. You have not said anything about whether they could be used on other jobs?

A. That is quite possible but not very probable.

Q. As a general thing then, they are not applicable to any other use?

Mr. McCLANAHAN.—That is objected to as leading and suggestive. [303—215]

A. No, sir, they are not applicable.

(Testimony of Robert Adamson.)

Mr. FRANK.—Q. Something was said concerning some of your men having worked on the ship. In such a case to whom do those men hand in their time-cards?

A. To the timekeeper that was taking charge of the job on the ship.

Q. Not handed in to you at all?

A. No, sir; they are outside time-cards, with the exception, probably, of the first day that I send them down there; if they have part of the day in the shop and probably they have the shop time made out, and they work part of that night, and probably all of that night, they put the time on at the end of that white card, and that is handed out as outside time. I know that that man has been on that job, and I check off that job, but all the time after seeing it was checked by the timekeeper on the ship.

Q. That card is not handed to the timekeeper on the ship? A. Not as a rule.

Q. It is handed to you?

A. Yes, sir, because it is our shop card.

Q. And it indicates, as you say on the card, whether or not the work has been done on the outside or inside?

A. Yes, sir; they always put outside something to indicate that they have been on board of the ship.

Q. In this case do you remember how many men in your shop worked out on the ship?

A. So far as I remember, only two or three worked on the ship who had time that I checked off, as far as I can remember now. I can distinctly re-

(Testimony of Robert Adamson.)

member one that worked on that ship, and that was William Thomas, and if I am not mistaken, another was William Schmidt. These men had occasion to go down, [304—216] both, in connection with the work they were doing in the shop to the ship and worked part of the time there.

Q. With reference to apprentices, state whether or not they do journeyman's work.

Mr. McCLANAHAN.—That is objected to as not proper redirect examination.

A. I have got to state that after they have been two years at the trade, they are capable of doing a journeyman's work in the shop.

Mr. FRANK.—Q. With reference to the nature of the work done by any particular man, and entered under the portion of the card "Articles worked on," what, if anything, can you say regarding different names being used by different men for the same piece of work?

Mr. McCLANAHAN.—I object to the question as not being intelligible, leading and suggestive.

A. Well, in some cases some men will call a piston rod a pison rod.

Mr. FRANK.—Q. Without the "t."

A. That is right. In another case a man will call that a shaft.

Q. Now, just a moment. Let us get back to that. Just read that, Mr. Reporter, so that the witness will undersand that you have left out the "t" in the second piston, and see if that is what he means.

(The Reporter reads the answer to the witness.)

(Testimony of Robert Adamson.)

A. I said "piston" twice.

Mr. McCLANAHAN.—That is not so.

Mr. FRANK.—If the reporter makes a mistake in hearing the [305—217] witness, I presume he is entitled to correct it.

Mr. McCLANAHAN.—Unfortunately the witness verified the Reporter's version of the answer.

Mr. FRANK.—He still misunderstood the Reporter leaving out the "t." It is plain as the nose on a man's face.

Q. Now, proceed and finish your answer, Mr. Adamson. You said he would call it a shaft; what is the rest.

A. Well, one man may know the name of a job or call it a bracket for a special purpose, and another man will only designate it as a bracket; he does not know what the thing is used for. When it is put down in that form, if I know what the man has been working on, I check off the time as correct. If I know what the man has been working on, that his name can be applied to that job.

Q. Are there other details in which the same job is called different names by different men at the work?

A. Yes, sir; certain pieces can be classed under different names which the man thinks is the proper name for the job at the time, the man in making out his time-card, and writing out the piece on his time-card. If I know that that designates the piece that that man has been working on, when I check off his card, I mark it off as correct, because I know

(Testimony of Robert Adamson.)

he has been working on that piece, and that is the name of the piece to the best of his judgment.

Q. Mr. Adamson, you have been asked to make a check mark on a piece of yellow paper which has been introduced as an exhibit. Take one of these time-cards and take your pencil and make a number of check marks on there.

A. As I did before?

Q. Yes, just write on each line as you did. Just check them down.

A. Yes. (The witness illustrates.) [306—218]

Mr. FRANK.—We ask that that be marked as an exhibit in the case.

(The card is marked “Libelant’s Exhibit, Adamson 103A.”)

Q. I notice that you have on a pair of very dark glasses; what is the trouble, Mr. Adamson?

A. I have got an ulcer on my right eye.

Q. An ulcer on your right eye? A. Yes, sir.

Q. That has been the condition during this entire examination?

A. Yes, sir, and some time before it.

Q. How long have you had that?

A. I have had it the last three weeks.

Q. You have had these glasses on for that condition during this entire examination?

A. Yes, sir. I have got to wear them because of the pain caused me by the bright light going into the eye; it is in such a condition that it will not bear the bright light, it causes me great pain.

Q. During the time covered by the time that the

(Testimony of Robert Adamson.)

“Hilonian” was at your works, were there extra men employed in your department?

Mr. McCLANAHAN.—I object to that question as improper redirect examination, and further, on the ground that the witness has disclaimed all knowledge of the time at which the “Hilonian” was at the works of the United Engineering Works.

Mr. FRANK.—I will change the question.

Q. During the time covered by the cards that you have already examined and that are put in evidence, were there extra men employed in the works in your department?

Mr. McCLANAHAN.—I object to the question on the ground that it is not proper redirect examination, and further that it is incompetent, irrelevant and immaterial. [307—219]

Mr. FRANK.—I will state to you that I have some further cards to introduce in evidence that I did not have or know of at the time that I put in the other cards, and it is preliminary to the introduction of those cards that I ask this question.

A. Yes, sir.

Q. I now hand you a card and ask you to examine it and state whether or not that is a card of a man employed in your department at the time stated on said card.

A. Yes, sir; that is a machinist employed in my department at that time.

Q. Was that card handed in by you to the office?

A. Yes, sir.

Q. Taken up in the same form as the other cards?

(Testimony of Robert Adamson.)

A. Yes, sir, and checked off in the same way and found to be correct at the time that I checked it off.

Q. At the time that you checked it over, the job numbers and hours worked were correct?

A. All correct.

Mr. FRANK.—I ask that that be marked “Adamson Exhibit No. 104.”

Mr. McCLANAHAN.—Wait a moment.

Q. You do not know that any of that work went into the “Hilonian” do you?

A. I don’t remember the numbers that were on the “Hilonian” at the time, but I know, if these are the “Hilonian” numbers, that that is what the man worked on.

Q. I understand that you do not know any of the “Hilonian” numbers at this time; is that correct?

A. I don’t remember what numbers were on the “Hilonian” at the time.

Q. Therefore, you cannot swear that any of that work on that card went into the “Hilonian.”

A. I can swear this far,—

Q. Answer that question, can you?

A. I cannot swear now. [308—220]

Mr. McCLANAHAN.—Then I object to it on the ground that it is incompetent, irrelevant, immaterial, and not binding on this respondent until it is shown that one or more of the numbers on that card represented work done on the steamship “Hilonian.”

Mr. FRANK.—We will connect it up.

Mr. McCLANAHAN.—I object to any further cards being introduced in evidence unless they are

(Testimony of Robert Adamson.)

properly identified as to being "Hilonian" job numbers.

Mr. FRANK.—I will connect them up.

Mr. McCLANAHAN.—I decline to go ahead, Mr. Frank, until that question has been passed upon by the Court.

Mr. FRANK.—Q. I notice, as on the other cards, there is a red ink change of number there. Is that done in the same way as the others, at your order and in your presence? A. Yes, sir.

Mr. FRANK.—Just mark that card, Mr. Reporter.

Mr. McCLANAHAN.—I object to it being marked as an exhibit, and decline to go ahead with this hearing until the Court has passed on our right to know the job numbers of the "Hilonian" before any more cards are introduced.

Mr. FRANK.—Just mark it, Mr. Reporter. (Addressing counsel.) You have your objections down.

Mr. McCLANAHAN.—If the Commissioner were here, he would not mark it.

Mr. FRANK.—Yes, he would.

Mr. McCLANAHAN.—I doubt it, when I am asking that the very matter in the card should go before the Court.

Mr. FRANK.—Just mark the card, Mr. Reporter. The whole matter [309—221] will be presented to the Court at the proper time. If you do not want to go on now, I will adjourn it to a convenient time, as we stipulated this morning, and we can take our cards and fix them.

Mr. McCLANAHAN.—When can we take the

(Testimony of Robert Adamson.)

matter up with the Court? This afternoon?

Mr. FRANK.—Yes.

(An adjournment was here taken until to-morrow morning, Tuesday, August 22d, 1911, at 9:30 A. M.)
[310—222]

Monday, August 21st, 1911.

(At the hour of 2 P. M., the following proceedings were had before Judge J. J. DE HAVEN:)

Mr. McCLANAHAN.—This is a case, if your Honor please, brought for repair work by the United Engineering Works against the Matson Navigation Company, on a ship, the ship being the “Hilonian,” one of the Matson steamers.

The libelant, in making proof of the value of the work, is introducing what are called time-cards kept in the shop of work done on various jobs. The cards contain, and the evidence shows that each job is numbered with what is called a job number. These time-cards have on them a number of these job numbers. There have been introduced in evidence so far over 100 of these time-cards, and on them there are more than 100 different job numbers. The witness says that he knows nothing about whether the work represented by these numbers and these cards was done on the “Hilonian.” Mr. Frank says he will connect it up later on in his case, but we ask that he now reveal to us the job numbers on the “Hilonian” so that when we cross-examine the man we can do it intelligently; in other words, we are presented with cards showing 100 numbers on them, and the “Hilonian” job number is undisclosed. We are handicapped

and fettered in our right of cross-examining the man on the "Hilonian" job number. A lot of immaterial evidence is going in. Some of the evidence, we suppose, may be connected up later on. We do not know what the job number is, and when the witness is putting this evidence in we cannot cross-examine upon it. We may take a number on the card and examine him as to that number, but it may not be the "Hilonian" job number. We are at a loss [311—223] to know what it is. Mr. Frank has suggested or may suggest that we have the "Hilonian" numbers. That is not so. The libellant has the bills for the work and on it are the numbers at the bottom and supposedly the numbers are the "Hilonian's." When the work was being done a time-book was kept by us on the job, and on this time-book the numbers were put showing the job that the man was working on. Those job numbers on the time-book do not correspond with the job numbers on our bill. The job numbers on our bill do not correspond with the job numbers being introduced in evidence on these time-cards, so we are utterly at a loss to know what the "Hilonian" job number is. All we ask is that we may have that number given to us, so that we may properly cross-examine the man on the material evidence contained in the time-cards, and not when our opportunity to cross-examine is passed.

The COURT.—What objection is there to this?

Mr. FRANK.—This has taken an entirely different position from what appeared at the time we adjourned this morning. Mr. McClanahan has cross-

examined this witness I think for two or three days. He announced on Saturday that he had finished the cross-examination of the witness. This morning he comes in and makes this statement. I cannot understand how he can be fettered with respect to the cross-examination of the witness by the job numbers. The job numbers are there. The witness has stated that the cards are an entirety. They cannot be separated. There is a card, for instance, with several job numbers on which as they run down can be seen. What I am doing is, proving by this witness at this time that the entries on those cards were correct, checked up by him and known to be correct at that time. That is all I am doing at the present time, and [312—224] all I can do with this witness. I have not finished with the witness even, and Mr. McClanahan comes forward and wants me to interrupt the testimony that is coming, in order, as he says, to facilitate his cross-examination. There will be no objection to Mr. McClanahan after the job numbers are in and proven up, to further cross-examine the witness if he wants to. I will have no objection to that. But for the life of me I cannot see how his knowledge of the job numbers will have anything to do with the cross-examination of the witness; in fact he had closed his examination before he did that. I told Mr. McClanahan this morning I would try to get the job numbers in. This has to be taken from the cards, and it is an immense job. I do not know whether your Honor appreciates the situation. Here is a factory, with many hundreds of men working there on pieces of different work for an hour or two

or 7 or 8 or 9 hours, whatever it may be, and it is the record of those pieces of work as kept from day to day—and some of them nearly two years ago—it is the getting out of that record that is a difficult process; and these job numbers also run with lists that go on these different numbers; they run consecutively as the testimony shows. I said to Mr. McClanahan, “I have no objection to get the job numbers out for you and give them to you if you will admit that those are the numbers that belong to the ‘Hilonian.’ ” He said, “I will not admit that at all.” Then I said, “There is no other recourse left for me but to prove them in the ordinary way. When the time comes I will have the proper witness and have the proper records to prove them, and connect them with these cards.”

The COURT.—I cannot see what objection there is to stating [313—225] that you claim that the number is 300, for instance.

Mr. FRANK.—I will have to work those out, and get them out myself. There is a large list.

The COURT.—You cannot do it if you have not got them at your hands, but I do not see the objection to giving that job number.

Mr. FRANK.—Nor do I, but I should like to know the materiality of it. If I try the case I try it this way: I prove my cards, connect up my card number by the particular portions of the testimony in due course, and so on. Mr. McClanahan announced himself as having finished the cross-examination of this witness. He cross-examined him for two or three days and announced himself as done. Suddenly he

brings forth this proposition, that he could not cross-examine the witness any more without a knowledge of those job numbers, than he had done. If there is some particular reason why they are at this particular time necessary for the purpose of the examination of the witness I think I am entitled to know it because then I would have to throw out my entire plan of putting in my evidence. It is not an ordinary matter where we can switch from one thing to another. It takes days to prepare these cards. Some of these men have been working at night to get them in shape, and put together, out of the records of the office. I suggested to Mr. McClanahan, in order to facilitate this matter, that we take this testimony over at the works where the men were at hand and where we could turn to them quickly, but Mr. McClanahan did not find it convenient to do so, so that makes it additionally difficult for us to get at the material.

Mr. McCLANAHAN.—I crave your Honor's indulgence a moment because Mr. Frank's statement calls for a reply. The question, [314—226] as originally put to the witness, when the first of the cards was introduced conveying the impression that the witness was testifying that the cards contained all the work on the "Hilonian," that is, that all the cards was "Hilonian" work. To every question, and the introduction of every one of the 103 cards I objected to as being immaterial. On cross-examination of the witness it turned out that the witness knew nothing about the work, did not know where it went and did not know what the "Hilonian" job

numbers were. I then asked Mr. Frank to produce, and asked him on two occasions during the cross-examination, to produce the job numbers. He has declined to produce them until he sees fit to do so later on in his case. I am handicapped in my cross-examination. I cannot ask the man a question with surety, knowing it is a question relating to the "Hilonian" work because he does not know, nor do I, the job numbers. Mr. Frank says it is a long job to get the "Hilonian" job numbers. He must know them or he would not be introducing these cards in evidence. He must know what they are. He could not have selected these particular cards out of the thousands in the shop unless he knew that on them were the job numbers of the "Hilonian." Of course he knows them. All we want is to know the numbers so that we may properly cross-examine the witness.

Mr. FRANK.—Personally, I do not know anything about the job numbers. I want to call your Honor's attention to this fact. The gentleman says he is under difficulty by reason of not having the job numbers. When this case came up originally they made admissions to over \$22,000 of this work, more than two-thirds of the work, to which they evidently had no objection, and the details of which they must have, or they never [315—227] could have made the admissions. They had all the figures and everything connected with it. In spite of my endeavors to get the thing reduced to a position where we could handle it with certainty and facility by having them make those admissions of record with respect to the particular items that they admitted were due. I was

unable to do it. I cannot see now how the thing can be facilitated—it may be more mixed up—if I am thrown out of my course of examination, or how it could be made plainer by getting the job numbers at the present time.

The COURT.—How can that embarrass the libellant. I cannot see.

Mr. FRANK.—It changes the order of my proof.

The COURT.—As I understand, all the respondent wants is simply the job number of that work?

Mr. FRANK.—How can it help him? It is not a number. You understand that.

Mr. McCLANAHAN.—I do not know. It may be one, and it may be two. There are ten numbers on the bills, but none of them on the time-book correspond to those bills.

Mr. FRANK.—You have got the number on the time-book?

Mr. McCLANAHAN.—The numbers on the time-book do not correspond with the numbers on the bills. There are over 100 separate and distinct numbers on these cards. It is not fair for us to guess at the number which is the material number in this case. All the other numbers are immaterial, and belong to some other ship. I cannot examine the man intelligently until I do know whether I am examining him on a piece of work that went into the “Hilonian” under a certain number.

Mr. FRANK.—I cannot understand that position. Your Honor [316—228] is laboring under difficulty in not knowing what the situation is, and how the testimony stands. Here is a man that has a card

which he checks up, and all of his testimony is simply to this effect, that this card is checked up by him every night, and when checked up is known by him to be a correct transcript of the jobs on which the man worked, and the time he put on those several jobs. As Mr. McClanahan said, he did not attempt to distinguish the job numbers. He said he did not know them. He said he had no recollection of what the job numbers are now. He has no recollection of any of those things. How that can facilitate his cross-examination of the man as to the question of whether or not he checked up those at the time, and knew them to be correct, passes my understanding. As Mr. McClanahan himself said, he said, "I do not know at this time, I have no recollection at this time of the job numbers belonging to the 'Hilonian'; all I know is I checked up those, and they were right at the time both as to numbers and as to hours." He passes these cards into the office. That is to be followed by the testimony of the man who receives the cards, and who gave the numbers out. Whenever a job comes in it goes to him with a number and detail as to the work performed under that number. He has no recollection of the number or anything about it. What possible testimony there could be elicited; what possible connection with the cross-examination of those facts with that witness, the possession of the job numbers would be, I cannot understand.

Mr. McCLANAHAN.—Mr. Frank knows I cross-examined this witness for fully a half a day at haphazard, taking and assuming in my own mind that a certain job number was the job number [317—229]

of the "Hilonian." There was one card with a number that I understood was the "Hilonian's" about work done on a trolley rail. I examined him on the trolley-rail proposition because no trolley-rail work was done on our boat.

Mr. FRANK.—Yes, it was.

Mr. McCLANAHAN.—Suppose it turns out after that that is not a job number of the "Hilonian." All that has gone for nothing, whereas if I knew the job numbers of the "Hilonian" I would be cross-examining him to some purpose. The record is full of innumerable instances which I have selected at haphazard, not being able to get the numbers, where I have examined him on different pieces of work, and received his testimony. It may all amount to nothing.

The COURT.—Have you got one of those numbers here?

Mr. McCLANAHAN.—Yes.

The COURT.—Let me see what it looks like.

Mr. McCLANAHAN.—There is a complete copy of the numbers appearing on those cards (handing).

The COURT.—Where is one of those cards?

Mr. McCLANAHAN.—There is not one here. It is about the size of a postal card with the number in pencil down the side, the worked performed out here (illustrating) and the man's name at the top.

Mr. FRANK.—It runs this way "job number," "number of hours," "articles worked on," and the numbers run down here, and the hours down here (illustrating). Probably three or four or five of

those give a short memorandum of what the work was.

The COURT.—Nothing to indicate what portion of it was done on this boat? [318—230]

Mr. McCLANAHAN.—No.

Mr. FRANK.—In some cases, yes.

Mr. McCLANAHAN.—They are as rare as hen's teeth.

Mr. FRANK.—In some cases, no. This is what I understood was coming up, and this is what took place this morning:

“Now, I wish to give notice of a motion which I intend to make before the Court to strike from the records all the witness Adamson's testimony with reference to the time-cards that have been introduced, on the ground that the witness has shown on cross-examination that he has no knowledge of what portion, if any, of the work entered on the time-cards for the respondent's ship ‘Hilonian’ was the respondent's ship ‘Hilonian,’ but on the contrary the witness' testimony shows that the only job number appearing on exhibits Adamson 1 to 103, inclusive, of which he has any present recollection was one which covers time and labor for which the respondent cannot be held responsible. And in this connection, I again request counsel to furnish me with the job numbers of the work done on the ‘Hilonian’ that I may properly and intelligently cross-examine this witness and others who may follow, and my further knowledge to what extent the Exhibits Adamson 1 to 103 are material evidence in this case, even though they should be later on explained and connected up.

Mr. FRANK.—When do you want to take that motion up?

Mr. McCLANAHAN.—The motion will not be necessary unless you refuse my request to give me those numbers.

Mr. FRANK.—They will be given unquestionably when I arrive at that point of the testimony where I am called on to prove it, [319—231] unless you want to admit that those are the job numbers; if you will admit they are the job numbers for this job given out consecutively, of course I will get them for you; otherwise I cannot.

Mr. McCLANAHAN.—Unless I admit what are the job numbers?

Mr. FRANK.—The job numbers. I shall give you are the job numbers applying to the ‘Hilonian.’

Mr. McCLANAHAN.—That is all I want. I want your statement of what the job numbers of the ‘Hilonian’ are.

Mr. FRANK.—If you are going to put me to the proof of them that they are the job numbers, I will not be able to do it, but I shall have to call the witness in due time to prove the job numbers as they are given out.

Mr. McCLANAHAN.—I understand you intend to call a witness later on to prove the job numbers as they are given out?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Will you please furnish me with the job numbers that you expect to prove are the job numbers of the ‘Hilonian’?

Mr. FRANK.—I cannot do that, unless you will

admit they are the job numbers—

Mr. McCLANAHAN.—I cannot do that.

Mr. FRANK.— —and relieve me of that proof; otherwise I will have to go at it in that way.”

The COURT.—Have you not any idea what the job numbers are? Suppose he calls for proof.

Mr. FRANK.—I should have to go to the record for it.

The COURT.—In some way you would have to find out something before you put in the evidence. [320—232]

Mr. FRANK.—Certainly.

The COURT.—You introduce one of these cards, we will say, and there are certain numbers on it, 1708, or 1717, or 5289. I understand that not all of the work appearing on that card was work done on the “Hilonian.”

Mr. FRANK.—That is right.

The COURT.—Don’t you know that some part of the work was done on the “Hilonian”?

Mr. FRANK.—It is handed to me by the clerk as being a card that has to do with the “Hilonian.” I would have to connect it up afterwards. [321—233]

The COURT.—My impression is you are not entitled to introduce any card unless you can specify what particular part of it you think is relevant.

Mr. FRANK.—Very well. Then I will prove them up for identification so that they will be identified, and when I get the job numbers I will connect them up and enter them. It is only a matter of order putting them in the record. If that is the position I will withdraw them at present from the testimony

as it stands so that they will be perfectly identified, and as soon as I get the job numbers proved up I can take and offer them regularly. I really have not offered them regularly yet. I only asked to have them marked as exhibits.

Mr. McCLANAHAN.—I do not think that is a fair suggestion.

The COURT.—I do not see that you can compel him to introduce them without he wants to.

Mr. McCLANAHAN.—He has introduced them over my objection and I have tried to cross-examine the witness, and he wants the record to stand.

The COURT.—I understand now he wants to withdraw them.

Mr. McCLANAHAN.—Then all the record must be withdrawn.

The COURT.—Yes.

Mr. FRANK.—I do not understand how the record is to be withdrawn. They are all identified and the testimony is in the record. They are all identified. It does not mean that the testimony of the witness shall be stricken out because temporarily the cards are not put in as exhibits.

Mr. McCLANAHAN.—Every card that was offered I objected to as immaterial, irrelevant and incompetent and not binding on the respondent.

Mr. FRANK.—Very well, I can offer them again.
[322—234]

The COURT.—I rule you have no right to introduce one of those cards in evidence without being able to specify what particular portion of it is relevant to the case.

Mr. FRANK.—I could not do that to save my neck now, and there will perhaps be 1000 or 1200 cards, so that it will take a great deal of time to do it.

The COURT.—That, of course, is a misfortune. If you do not know now what portion is relevant, it will be very difficult for anyone else to find out.

Mr. FRANK.—I understand, but it will be pointed out.

The COURT.—Let it be pointed out when you introduce your evidence, what portion of it is relevant.

Mr. FRANK.—That means that I will have to examine two witnesses at the same time. Your Honor does not appreciate the difficulty.

Mr. McCLANAHAN.—Just admit what the numbers are. That is all that is necessary.

Mr. FRANK.—Personally, I cannot admit until I am advised what they are.

Mr. McCLANAHAN.—Your client must know. They made out our bills and put the job numbers on.

Mr. FRANK.—You say they are not on your bills?

Mr. McCLANAHAN.—They do not correspond with the time-book or the job numbers.

The COURT.—I think you can get your witness and find out what are the job numbers referring to the particular cards, then they will explain themselves.

Mr. FRANK.—Certainly. That is what I propose to do. If Mr. McClanahan does not want me at this time to introduce them in evidence I will re-introduce them. [323—235]

Mr. McCLANAHAN.—They have been introduced and I insist that the whole record be expunged

if you are going to withdraw them.

Mr. FRANK.—I do not see that that is regular or just or right.

Mr. McCLANAHAN.—It is so simple to produce those numbers.

Mr. FRANK.—You must admit, Mr. McClanahan, that you have spent three days in cross-examining the witness and closed the cross-examination. If it suddenly has appeared to be necessary to cross-examine the witness, that you must get the job numbers, there must be some particular reason for it.

The COURT.—I do not see myself how it can possibly injure the libelant to produce the job numbers. It must be a part of the record there, and I think it will do no more harm to do that than it would be to produce the bill.

Mr. FRANK.—What if I produce what I consider are the job numbers and he cross-examines the witness on them, and I afterwards bring the witness to prove they are the job numbers of that vessel and there is a mistake in it. Where are we at and what have I done? We would get the record so mixed up that we cannot make head or tail of it. I have asked him, if I tell him the job numbers to admit they are, but he denies to do it. Then I must do it in the regular way.

The COURT.—The easiest way is when you produce one of those papers, is to prove right then and there what the job number is that is on that paper which relates to this case.

Mr. FRANK.—And let us call two witnesses?

The COURT.—Yes, a half a dozen witnesses if

necessary. It will all come out straight. If you introduce a paper that you claim has any relevancy to it, I do not see any reason why you cannot say so. You can say, "This item here No. 4002, is the one [324—236] that we rely on."

Mr. FRANK.—I understand that, but the very difficulty I have suggested is not cured by that. If he will admit the job numbers—I cannot understand why he could not admit they are the job numbers and be done with it—we would be out of our difficulty. It is not only a matter of convenience for him but for me. It is a give and take proposition, and I am entitled to as much consideration as he is entitled to. It is not all to have but something to give.

The COURT.—He cannot ask you to do anything more than produce what you claim to be the job numbers. That is all he can ask you to do. When you introduce the paper all he can ask you is, "What particular item on this do you claim has any relevancy to this case?" In addition to that, you have not any right to say, "I will not tell you what it is unless you will admit when I give you the number that that is the number."

Mr. FRANK.—Do I not over and over again, in the trial of a case, connected it afterwards? I cannot make proof of two matters at the same time.

Mr. McCLANAHAN.—Not where it hampers the cross-examination. No court will allow that.

The COURT.—I think you have my ruling or my views in regard to it. I do not see any objection to giving it. If it is more satisfactory to the other side to give all your numbers at once on a sheet of

paper, you can do it, otherwise when you introduce a sheet of paper on request, you must show what particular part you claim is relevant to the case.

Mr. McCLANAHAN.—Mr. Frank does not know if it is material or not, under his own statement, if he does know the job numbers. [325—237]

Mr. FRANK.—I am not the witness. I take the testimony handed me by my people.

The COURT.—If it causes any longer delay, that is a misfortune, but I do not see how it can be done any other way. [326—238]

Tuesday, August 22d, 1911.

Mr. McCLANAHAN.—I think the card question should be settled now.

Mr. FRANK.—That is what I want to settle with you if we can. I am perfectly willing that the cards should go into the possession of the Commissioner to enable you to examine them in any way you want, but I wish to get a copy of them. Yesterday we agreed that those cards should be arranged on Shannon Files. We are having the files made, and they ought to be up here. The Court has ruled that I must indicate on each one of those cards the particular part that I desire to consider relevant, and what the number is. I am willing to do that.

Mr. McCLANAHAN.—As you make the copy of the cards you can turn the finished exhibit over to the Commissioner.

Mr. FRANK.—Certainly.

Mr. McCLANAHAN.—I do not want to wait until you finish the copying of the whole of the cards before I commence my examination.

Mr. FRANK.—We can finish to-day with these cards we have already introduced. Then we will have the copies made as we go along.

Mr. McCLANAHAN.—You can finish those 103 in a day?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Copying the whole card?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—You must have a large clerical force then.

Mr. FRANK.—I do not think there will be any trouble about that.

Mr. McCLANAHAN.—I am very glad we are going to have no [327—239] trouble over the cards.

Mr. FRANK.—There was never any necessity for trouble. It is a fair give and take. I am always willing to do that. I preserve my rights as well as you preserve your rights. We will let the thing stand at that and will go to work and fix up those cards. We will adjourn now until to-morrow morning.

Mr. McCLANAHAN.—Don't you want to go on with Mr. Adamson?

Mr. FRANK.—We will go on regularly then. I have to go back over these cards and indicate the relevant portion. Mr. Curtis has to get the numbers and be here ready to give me the suggestions.

Mr. McCLANAHAN.—There is no need to go back over the cards introduced in evidence. When you have once given the job numbers, and they appear in the record, we can by stipulation agree that those numbers appearing on the cards are the relevant

numbers and pertain to the relevant portion of the cards. It will be an unnecessary task to go back over each card and say what part is relevant.

Mr. FRANK.—If we adopt that plan we will have to make a stipulation in respect to it in view of what passed yesterday before the Court, so that there will be no misunderstanding about it, and then the record will stand perfect.

Mr. McCLANAHAN.—What stipulation do you mean? Such as I have suggested?

Mr. FRANK.—A stipulation that the cards be considered as regularly introduced in evidence in compliance with the suggestion made to the Court yesterday.

Mr. McCLANAHAN.—That can be based on your furnishing first a list of the claim of the “Hilonian” job numbers. [328—240]

Mr. FRANK.—That is it. We will make some stipulation of that sort. We will arrange that detail in the morning when I have gone over the matter, so that I know exactly where I stand with respect to it.

Mr. McCLANAHAN.—Then you prefer not to go on this morning?

Mr. FRANK.—I could not very well because I am not furnished with the details. I will get these cards copied up and the Shannon Files here, and everything ready to go on regularly.

Mr. McCLANAHAN.—At half-past 9 to-morrow morning?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Mr. Bennett, I wish you

(Testimony of Robert Adamson.)

would make the proceedings before the Court yesterday part of the record, and furnish me with a complete copy of the record,

(Thereupon an adjournment was taken until tomorrow, Wednesday, August 23, 1911, at 9:30 A. M.)
[329—241]

Wednesday, August 23d, 1911.

ROBERT ADAMSON, redirect examination resumed:

Mr. FRANK.—Now, Mr. McClanahan, we have got as far along as we could with these cards. We have not got them all completed. As you notice, every exhibit there is by itself. It only remains to indicate on this index here the number of each exhibit, these that are finished. Then you can turn to every exhibit without any difficulty. They are all in order.

Mr. McCLANAHAN.—I understand that you are going to take copies of these.

Mr. FRANK.—We are taking copies. I think we have got the copy of nearly all of these.

Mr. McCLANAHAN.—After the copies are taken I suppose you will consent to my taking these into my office.

Mr. FRANK.—I do not see there is any particular objection to that. We can have them between ourselves, hand them back and use them interchangeably.

Mr. McCLANAHAN.—That is all right.

Mr. FRANK.—Is it stipulated that when I indicate the job numbers it shall be considered as if the particular part of the cards which I considered

(Testimony of Robert Adamson.)

relevant were specified at the time the cards were offered?

Mr. McCLANAHAN.—Yes.

Mr. FRANK.—Now, the job numbers of the steamer “Hilonian” for the work contained in the exhibits attached to the libel are as follows: 5295, 5296, 5297, 5299, 5318, 5325, 5346, 5360, 5394, 5398, 5009, 5313, 5317, 5389, 5390, 5401, 5528, 1818. [330—242]

Mr. McCLANAHAN.—These are what you claim to be the “Hilonian” job numbers?

Mr. FRANK.—Yes. Those are right, are they not, Mr. Curtis?

Mr. CURTIS.—Yes.

Mr. FRANK.—When we finished the other day I was offering in evidence “Adamson Exhibit No. 104.” This was the last examination:

“I now hand you a card and ask you to examine it and state whether or not that is a card of a man employed in your department at the time stated on said card.

A. Yes, sir; that is a machinist employed in my department at that time.

Q. Was that card handed in by you to the office?

A. Yes, sir.

Q. Taken up in the same form as the other cards?

A. Yes, sir, and checked off in the same way and found to be correct at the time that I checked it off.

Q. At the time that you checked it over, the job numbers and hours worked were correct?

A. All correct.

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask that that be marked ‘Adamson Exhibit No. 104.’

Mr. McCLANAHAN.—Wait a moment.

Q. You do not know that any of that work went into the ‘Hilonian,’ do you?

A. I don’t remember the numbers that were on the ‘Hilonian’ at the time, but I know, if these are the ‘Hilonian’ numbers, that that is what the man worked on.

Q. I understand that you do not know any of the ‘Hilonian’ numbers at this time; is that correct?

A. I don’t remember what numbers were on the ‘Hilonian’ at the time.

Q. Therefore, you cannot swear that any of that work on that card went into the ‘Hilonian.’

A. I can swear this far,—

Q. Answer that question, can you?

A. I cannot swear now.” [331—243] Then the objection came and an adjournment was taken. Now, Mr. McClanahan, if you desire the clock cards I will just hand them in together with these exhibits so that they will go in in their order at this time.

Mr. McCLANAHAN.—That is satisfactory.

Mr. FRANK.—The witness, of course, cannot testify as to the clock cards, but I suppose you will admit that they are the clock cards, so we will put them in together.

Mr. McCLANAHAN.—That is all right.

Mr. FRANK.—I now produce a clock card of C. F. Peaslee, pay ending August 28, 1909. We will

(Testimony of Robert Adamson.)

have them marked straight along the same as we did the others. I ask to have this marked R. A. No. 104.

Mr. McCLANAHAN.—The same objection.

Mr. FRANK.—It is subject, however, to the stipulation.

Mr. McCLANAHAN.—Certainly, subject to any stipulation that I make. I did not mean to stipulate away my right to object to the offer.

Mr. FRANK.—Perhaps it *would well* for you to formulate, at least to the first of these, the nature of your objections so that we will know exactly what it is, because the same matter is not included in the last.

Mr. McCLANAHAN.—I object to it as incompetent, irrelevant, immaterial, self-serving, hearsay and not binding on the respondent.

(The card is marked “Adamson Exhibit No. 104.”)

Mr. FRANK.—Q. Mr. Adamson, I now hand you two cards of W. Bouick, dated respectively, September 19th, 1909, and September 20th, 1909, and ask you to examine those cards and [332—244] state whether or not those are the cards of the man employed in your department at the time stated on the cards.

A. Yes, sir. That man was employed in my department as a machinist at that time.

Q. And was that card handed in by you to the office? A. Yes, sir.

Q. Taken up in the same form as the other cards; taken up by you and checked up as correct the same

(Testimony of Robert Adamson.)

as the other cards you have testified to?

A. Yes, sir, in the very same manner.

Q. And at the time you handed them in you knew them to be correct with respect to the job numbers and hours worked?

A. And the articles worked upon, yes.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 105.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 105.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 105.

(The clock card was marked “R. A. No. 105.”)

Q. I now produce a time-card of H. Beckett under date September 10th. I hand you that card and ask you to examine it and state whether or not that is the card of a man employed in your department at the time stated on said card.

A. Yes, sir. This man was in my department at that time and was a machinist. As regards time, number of hours and articles worked on, they were correctly checked off.

Q. You handed this into the office and knew that at the time you handed them in to be correct in those particulars?

A. Yes, sir, that is what I mean.

[333—245]

Mr. FRANK.—We ask to have that marked Adamson Exhibit No. 106.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson Exhibit No. 106.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—I ask to have the clock card marked R. A. No. 106.

(The clock card is marked “R. A. No. 106.”)

Mr. FRANK.—In this stipulation concerning the job numbers I do not remember whether I made it broad enough to apply to the cards I am offering as those I offered. If not, it is understood that it applies to all of those that I offer hereafter.

Mr. McCLANAHAN.—Yes.

Mr. FRANK.—Q. I now hand you the time-cards of James Furman dated August 31st, September 2d, September 3d, September 4th, September 5th, September 6th, September 7th, September 8th and September 11th, and ask you to examine them and see whether those are the time-cards of a man working in your department at the time stated in the cards, and if so whether or not they are cards handed in by you to the office, and whether you knew at the time that you handed them into the office, that they were correct with respect to job numbers and hours worked?

A. Yes, sir, this man was employed in my department as a machinist at that time and I verify that the job numbers, and the time worked, and the articles worked on were found by me to be correct before I handed them in to the office.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 107.

Mr. McCLANAHAN.—The same objection. [334—246]

(Testimony of Robert Adamson.)

(The cards are marked "Adamson Exhibit No. 107.")

Mr. FRANK.—I ask to have the clock card marked "R. A. No. 107."

(The clock card is marked "R. A. No. 107.")

Q. I now hand you the time-cards of H. P. Hicks under date of August 30th, 31st, September 1st, September 2d, September 4th, September 7th, September 8th and September 10th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers and hours worked?

A. I make the same answer as I did to the last question.

Q. The card indicates that he was a machinist?

A. Yes, sir.

Q. That is correct? A. That is correct.

Mr. FRANK.—We ask to have the cards marked Adamson Exhibit No. 108.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson Exhibit No. 108.")

Mr. FRANK.—We ask to have the clock card marked R. A. Exhibit No. 108.

(The clock card is marked "R. A. No. 108.")

Q. I now hand you the time-cards of H. P. Hicks, under date of August 26th, 27th and 28th, and ask you whether or not those are the cards of a man working in your department at the time mentioned

(Testimony of Robert Adamson.)

in the cards, and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers and hours worked? A. The same answer.

Mr. FRANK.—I ask that those cards be marked Adamson Exhibit No. 109. [335—247]

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 109.”)

Mr. FRANK.—We ask that the clock card be marked R. A. No. 109.

(The clock card is marked “R. A. No. 109.”)

Q. I now pass you the time-card of John Moork under date of September 4th and ask you whether or not that is the card of a man working in your department at the time mentioned in the card, whether the card was passed in by you to the office, and at the time of so doing you knew it to be correct with respect to job numbers and hours worked?

A. I make the same answer with the exception that I cannot recall whether he was a machinist or a helper at that time, but he was in our employ at that time.

Q. The man on Exhibit No. 109, John Moork, what was he? Was he a machinist or not?

A. Hicks was a machinist.

Mr. FRANK.—We ask to have this card of John Moork, marked Adamson Exhibit No. 110.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson Exhibit No. 110.”)

Mr. FRANK.—We now ask that the clock card be

(Testimony of Robert Adamson.)

marked R. A. No. 110.

(The clock card is marked "R. A. No. 110.")

Q. I now hand you the time-card of A. L. Hanson under date of September 14th, and ask you the same question in regard to that card, whether or not that is the card of a man working in your department at the time mentioned in the card, and whether the card was passed in by you to the office, and at the time of so doing you knew it to be correct with respect to job numbers and hours worked? [336—248]

A. If I remember right he was a machinist, and this card was properly checked off by me, and found to be correct before I checked it off and handed it in to the office.

Mr. FRANK.—We ask that the card be marked Adamson Exhibit No. 111.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Adamson Exhibit No. 111.")

Mr. FRANK.—We now ask that the clock card be marked R. A. No. 111.

(The clock card is marked "R. A. No. 111.")

Q. I now hand you the time-cards of Charles Holmquist, under date of September 5th and September 7th, 1909, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards, and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers and hours worked?

A. Holmquist was a helper. I make the same answer as I made to the other.

(Testimony of Robert Adamson.)

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 112.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 112.”)

Mr. FRANK.—We ask that the clock card be marked “R. A. No. 112.”

(The clock card is marked “R. A. No. 112.”)

Q. I now present you the cards of Edward Acosta under date of September 16th, 17th and 18th, and ask you the same question, whether or not those are the cards of a man working in your department at the time mentioned in the cards and whether the cards were passed in by you to the office, and at the time of so [337—249] doing you knew them to be correct with respect to job numbers, and hours worked?

A. He was a helper in my department. I make the same answer as made to the others.

Mr. FRANK.—We ask to have the cards marked Adamson Exhibit No. 113.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 113.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #113.

(The clock card is marked “R. A. #113.”)

Q. I now hand you the time-card of Ed. Brauns under date of September 8th, and ask you whether or not that is the card of a man working in your department at the time mentioned in the card, and

(Testimony of Robert Adamson.)

whether the card was passed in by you to the office, and at the time of so doing you knew it to be correct with respect to job numbers and hours worked?

A. I cannot recall whether he was a machinist or a helper at the present time, but he was in my department. I make the same answer as I made to the other cards.

Mr. FRANK.—We ask that the card be marked Adamson Exhibit No. 114.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson Exhibit No. 114.”)

Mr. FRANK.—We now ask that the clock be marked R. A. #114.

(The clock card is marked “R. A. #114.”)

Q. I now hand you the time-cards of Ed Brauns dated September 15th and September 16th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards, and whether the cards were passed in by you to [338—250] the office, and at the time of so doing you knew them to be correct with respect to job numbers, and hours worked?

A. I give the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 115.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 115.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #115.

(The clock card is marked “R. A. #115.”)

(Testimony of Robert Adamson.)

Q. I now show you the card of Joe Zaber dated September 11th, and ask you whether or not that is the card of a man working in your department at the time mentioned in the card, and whether the card was passed in by you to the office, and at the time of so doing you knew it to be correct with respect to job numbers, and hours worked?

A. He was a machinist. I make the same answer as I made to the other cards.

Mr. FRANK.—We ask that the card be marked Adamson Exhibit No. 116.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Adamson Exhibit No. 116.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #116.

(The clock card is marked “R. A. #116.”)

Q. I now show you the time-cards of James Furman dated September 12th, 13th, 14th, 15th, 18th, and 19th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards, and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers, and [339—251] hours worked?

A. I make the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 117.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 117.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—We ask that the clock card be marked R. A. #117.

(The clock card is marked “R. A. #117.”)

Q. I now show you the time-cards of Ed Acosta under date of August 31st, September 1st, September 2d, September 3d, September 4th, September 7th and September 8th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers, and hours worked?

A. I make the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 118.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 118.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #118.

(The clock card is marked “R. A. #118.”)

Q. I hand you the card of William Stewart dated September 13th, 15th and 18th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards, and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers, and hours worked?

A. Stewart was a machinist. I make the same answer as I made to the others. [340—252]

(Testimony of Robert Adamson.)

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 119.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 119.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #119.

(The clock card is marked “R. A. #119.”)

Q. I hand you the time-cards of William Stewart under date of September 1st, September 3d, September 4th and September 7th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards, and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers, and hours worked? A. I make the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 120.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 120.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #120.

(The clock card is marked “R. A. #120.”)

Q. I hand you the time-cards of M. W. Albers dated August 31st, September 2d, 3d, 7th, 9th, 10th and 11th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards, and whether the cards were passed in by you to the office, and at the time

(Testimony of Robert Adamson.)

of so doing you knew them to be correct with respect to job numbers, and hours worked?

A. He is a machinist. Otherwise I make the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 121.

Mr. McCLANAHAN.—The same objection. [341—252½]

(The cards are marked “Adamson Exhibit No. 121.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #121.

(The clock card is marked “R. A. #121.”)

Q. I now hand you two time-cards of J. Reed dated September 5th, and September 6th, and ask you whether or not those are the cards of a man working in your department at the time mentioned in the cards, and whether the cards were passed in by you to the office, and at the time of so doing you knew them to be correct with respect to job numbers, and hours worked?

A. He was a machinist. Otherwise I make the same answer as before.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 122.

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 122.”)

Mr. FRANK.—We ask that the clock card be marked R. A. #122.

(Testimony of Robert Adamson.)

(The clock card is marked "R. A. #122.")
[342—252 $\frac{3}{4}$]

Q. I now hand you the time-cards of L. De Pasquale, under date of September 10 and September 11, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked?

A. He was a machinist; the same answer as regards to the others.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 123.

Mr. McCLANAHAN.—The same objection.

(The cards are marked "Adamson Exhibit No. 123.")

Mr. FRANK.—I ask to have the clock card marked R. A. No. 123.

(The clock card is marked "R. A. No. 123.")

Q. I now hand you the time-cards of L. De Pasquale, under date of September 13th, 15th, 16th, 17th and 18th and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked?

A. The same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 123.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—The same objection.

(The cards are marked “Adamson Exhibit No. 124.”)

Mr. FRANK.—We ask that the clock card be marked “R. A. No. 124.”)

(The clock card is marked “R. A. No. 124.”)
[343—253]

Q. I now hand you the time-cards of Owen Sweeny, under date of September 8th, September 10th, September 11th, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; I make the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 125.

Mr. McCLANAHAN.—We make the same objection.

(The cards were marked “Adamson Exhibit No. 125.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 125.

(The clock card is marked “R. A. No. 125.”)

Q. I now hand you the time-cards of Owen Sweeny, under date of September 13th and September 14th, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so

(Testimony of Robert Adamson.)

doing you knew them to be correct with respect to job members and hours worked.

A. The same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 126.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 126.”)

Mr. FRANK.—I now ask that the ‘clock card’ be marked R. A. No. 126.

(The clock card is marked “R. A. No. 126.”)
[344—254]

Q. I now hand you the time-cards of John Williams, under date of September 12th, September 14th, September 17th and September 19th, and ask you whether or not these are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 127.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 127.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 127.

(The clock card is marked “R. A. No. 127.”)

Q. I now hand you the time-cards of John Will-

(Testimony of Robert Adamson.)

iams, under date of August 29th, September 4th, September 5th, September 6th, September 8th, September 10th and September 11th, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. The same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 128.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 128.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 128.

(The clock card is marked “R. A. No. 128.”)
[345—255]

Q. I now hand you the time-card of John Coleman, under date of September 8th and ask you whether or not that is the card of a man working in your department at the time mentioned on the card and whether the card was passed in by you to the office and at the time of so doing you knew it to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the card be marked Adamson Exhibit No. 129.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Adamson Exhibit No. 129.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 129.

(The clock card is marked “R. A. No. 129.”)

Mr. McCLANAHAN.—That name is Jim Coleman.

Mr. FRANK.—Q. Mr. Adamson, do you recall this man personally?

A. I recall him personally.

Q. Is it Jim or John?

A. I know him as Coleman. I don't know his first name. Probably I might recall it if you showed me the card.

Mr. FRANK.—Well, it would not make any difference anyhow Mr. McClanahan, it is identified by the shop number.

Q. I now hand you the time-cards of Sidney Greeve, under date of September 8th, September 10th, and September 11th, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 130. [346—256]

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 130.”)

Mr. FRANK.—I now ask that the clock card be

(Testimony of Robert Adamson.)

marked R. A. No. 130.

(The clock card is marked "R. A. No. 130.")

Q. I now hand you the time-cards of Sidney Greeve, under date of September 13th, 14th, 15th, 16th, 17th, 20th and 21st, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. I make the same answer as to his cards.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 131.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked "Adamson Exhibit No. 131.")

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 131.

(The clock card is marked "R. A. No. 131.")

Q. I now hand you the time-cards of J. Blake, under date of September 1st, 2d, 3d, 4th, 7th and 8th, and I ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the time-card be marked Adamson Exhibit No. 132. [347—257]

Mr. McCLANAHAN.—I make the same objection.

(Testimony of Robert Adamson.)

(The cards are marked "Adamson Exhibit No. 132.")

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 132.

(The clock card is marked "R. A. No. 132.")

Q. I now hand you the time-cards of Thomas McConky, under date of August 30th, September 1st, September 2d and September 3d, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 133.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked "Adamson Exhibit No. 133.")

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 133.

(The clock card is marked "R. A. No. 133.")

Q. I now hand you the time-card of Thomas McConky, under date of September 18th and ask you whether or not that is the card of a man working in your department at the time mentioned on the card and whether the card was passed in by you to the office and at the time of so doing you knew it to be correct with respect to job numbers and hours worked.

A. The same answer.

(Testimony of Robert Adamson.)

Mr. FRANK.—We asked that the card be marked Adamson Exhibit No. 134.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Adamson Exhibit No. 134.”) [348—258]

Mr. FRANK.—We now ask that the clock card be marked R. A. No. 134.

(The clock card is marked “R. A. No. 134.”)

Q. I now hand you the time-cards of J. Blake, under date of September 14th, 15th, 16th, 18th and 21st, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. The same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 135.

Mr. McCLANAHAN.—We make the same objection.

(The cards are marked “Adamson Exhibit No. 135.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 135.

(The clock card is marked “R. A. No. 135.”)

Q. I now hand you the time-cards of William Robertson, under date of August 30th and 31st, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you

(Testimony of Robert Adamson.)

to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 136.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 136.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 136.

(The clock card was marked “R. A. No. 136.”)
[349—259]

Q. I now hand you the time-cards of M. W. Albers, under date of September 12th, 15th and 16th, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 137.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 137.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 137.

(The clock card is marked “R. A. No. 137.”)

Q. I now hand you the time-cards of William

(Testimony of Robert Adamson.)

Boehle, under date of August 30th and 31st, and ask you whether or not those are the cards of a man working in your department at the time mentioned on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the cards be marked Adamson Exhibit No. 138.

Mr. McCLANAHAN.—I make the same objection.

(The cards are marked “Adamson Exhibit No. 138.”)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 138.

(The clock card is marked “R. A. No. 138.”)

Q. I now hand you the time-card of William Boehle, under date of September 18, and ask you whether or not that is a card of [350—260] a man working in your department at the time mentioned on the card and whether the card was passed in by you to the office and at the time of so doing you knew it to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the card be marked Adamson Exhibit No. 139.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Adamson Exhibit No. 139.”)

(Testimony of Robert Adamson.)

Mr. FRANK.—I now ask that the clock card be marked R. A. No. 139.

(The clock card is marked “R. A. No. 139.”)

Q. I now hand you the time-card of William Robertson, under date of August 28, and ask you whether or not that is the card of a man working in your department at the time mentioned on the card and whether the card was passed in by you to the office and at the time of so doing you knew it to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the card be marked Adamson Exhibit No. 140.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Adamson Exhibit No. 140.”)

Mr. FRANK.—Q. I now hand you the time-card of William Robertson, under date of September 13, and ask you whether or not that is the card of a man working in your department at the time mentioned [351—261] on the cards and whether the cards were passed in by you to the office and at the time of so doing you knew them to be correct with respect to job numbers and hours worked.

A. He was a machinist; the same answer.

Mr. FRANK.—We ask that the card be marked Adamson Exhibit No. 141.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Adamson Exhibit No. 141.”)

(A recess was here taken until 2 P. M.) [352—262]

(Testimony of Robert Adamson.)

AFTERNOON SESSION.

Mr. FRANK.—Here is a clock card of Kassner, of September 11th, and we will ask to have it marked R. A. 281½.

(The clock card is marked “R. A. No. 281½.”)

Recross-examination.

Mr. McCLANAHAN.—Q. Mr. Adamson, I understand that in August and September, 1909, it was your duty to receive the work from the office, apportion it to the different men under the different job numbers, to keep track of the work done by the men on the job numbers, and once a day to check up the hours worked on the particular job numbers, and generally the character of the work done. That is correct, is it? A. Is your question finished?

Q. Yes.

A. It was my duty to find the correct number for the pieces as they came into the shop.

Q. Excuse me, Mr. Adamson. Cannot you correct my statement if it needs correction? If it does not need correction affirm it.

Mr. FRANK.—I suggest that the witness be allowed to answer the question in his own way. It is a very long question and the witness is entitled to finish it in his own way.

Mr. McCLANAHAN.—Q. If you do not understand the question Mr. Adamson, the Reporter will read it to you. If there are any errors in the question please remember them and point them out.

Mr. FRANK.—Answer the question in your own way, Mr. Adamson.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—I beg pardon, Mr. Frank. I am conducting this cross-examination. [353—263]

Mr. FRANK.—I am helping you.

Mr. McCLANAHAN.—I do not need help.

Mr. FRANK.—That is what I am here for.

Mr. McCLANAHAN.—You mean to help the witness, not me. (To the Reporter.) Read the question, Mr. Reporter, and see if he understands it.

(The Reporter reads the question.)

A. My duty at that time was to receive the pieces as they came from the ship and find the proper number to place on each piece from the office, and keep a check upon it, and the time taken while it was in the shop.

Q. You apportioned it out among the men, did you not? Answer the question, please.

A. Through the foreman.

Q. What do you mean by “through the foreman”—what did he have to do with it?

A. The foreman had to give it to the man who was to work on it, or I had to do it by his direction.

Q. And when the day was over the cards were handed to you, or to the foreman?

A. They were handed to me.

Q. You are speaking of August and September, 1909? A. Yes, sir.

Q. Then what was your duty, to check over the work done and the hours worked on that particular number? A. Yes, sir, for each day.

Q. And on each card? A. And on each card.

Q. Now, what were the duties of the foreman in

(Testimony of Robert Adamson.)

August and September, 1909?

A. His duties were to see that the work was properly performed by the men who were doing the work.

Q. Was that not also your duty?

A. Only so far as it was to assist the foreman.

Q. Is that all that he did?

A. So far as I know that was his duty. [354—264]

Q. His duty then solely, so far as you know, was to see that the men did their work properly; is that it?

A. Yes, sir.

Q. And you assisted him in doing that work?

A. I did.

Q. And aside from that he had nothing to do with the keeping of the time or the checking of the time-cards? A. That was my duty.

Q. And not his? A. And not his.

Q. Now, aside from the work done by you in the first instance, in placing the different things to be done, in the hands of different workmen, and aside from your keeping a supervisory control over that work after it had been placed in the hands of the men, and of the time spent on it, and aside from your checking up at night this work, and the time as shown by the time-cards, what else did you do?

A. My other duties were to lay off any portion of the work which required to be machined in a certain way, or worked upon in a certain way; if it wanted lines on it, to make it accurate, to show how the man was to work accurately on the work, it was my duty to put the lines on it, and do any necessary markings on it before it left my table.

(Testimony of Robert Adamson.)

Q. That was the work preliminary to placing the job in the hands of the mechanic, was it not?

A. Yes, sir.

Q. What else besides that did you do? Anything?

A. That was all my duties so far assigned to me at that time.

Q. You did not work at any machine?

A. No, sir.

Q. Or on the floor? A. No, sir.

Q. I call your attention to the work of the tool-shop or the toolroom, whatever you call it. Am I correct in my understanding of the matter that the men working in the toolroom are employed in making special tools that were used in the performance [355—265] of special work? A. Yes, sir.

Q. Is that all they do?

A. They have got to make all kinds of tools, and to keep all the tools in the toolroom in repair.

Q. Answer my question: is that all they do?

A. No, sir.

Q. What else do they do?

A. They have to keep all the tools in connection with the machine-shop in good repair.

Q. And hand those tools out to the men as they are needed? A. As they are asked for.

Q. So that whether the tool is a special one, or one that is a stock tool used in the shop these men look after them and keep them in repair?

A. They have got to make any special tool that is required on any job that comes to the yard and keep the tools belonging to the work in good repair.

(Testimony of Robert Adamson.)

Q. How many men were in the toolroom in August and September, 1909?

A. So far as I recall there would be 4 or 5 men.

Q. Who were they?

A. So far as I can recall Mr. Robertson, Fred Boyd—

Q. B-o-y-d? A. Yes, sir. Fred Boyer—

Q. B-o-y-e-r?

A. Yes, sir, and two others whose names I cannot recall at the present time. I think there were two others.

Q. You kept track of their work also, did you?

A. To a certain extent.

Q. And you had to keep track of it completely, did you not?

A. Not so far as the shop tools were concerned. That is part of the routine duty.

Q. The making of special tools, you had to keep a record of that?

A. They generally came on an order.

Q. Answer my question, please. [356—266]

A. They were generally called for in regard to new work that was brought in.

Q. Answer my question, please. Don't you understand it? I say you had to keep track of the work done on special tools?

A. I had to keep track on special tools so far as receiving or giving the ordering of them, but the disposition of them after they were finished with I had nothing to do with.

Q. What you did have to do with, as I understand

(Testimony of Robert Adamson.)

it, then, is this: that when the necessity for the making of a special tool arose, you placed the matter before the mechanic in the toolroom and gave instructions as to its construction. Is that correct?

A. Very probably I might give the order to the foreman of the shop and ask him to get it made, and he would give it out to whoever he thought would make it.

Q. But at any rate you had knowledge of what the work was that was to be done? A. Yes, sir.

Q. Then your further duty was to keep them on that work, was it not, after it once got into the toolroom?

A. Yes, sir. My duty is to check the time on jobs that is in the yard, and the work done in connection with them in the machine-shop.

Q. Make your testimony apply to my question, if you can. I am referring now to the making of special tools in the tool-shop, you have to keep them on that work, did you not? A. Yes, sir.

Q. And see that the tools made specially were referred to on the time-card under their appropriate number: that is correct, is it not? A. Yes, sir.

Q. Now, will you tell me Mr. Adamson, of any special tool made for the "Hilonian" job during August and September, 1909?

A. I could not tell you at the present time or specify what [357—267] special tools were made for the "Hilonian" while she was at the yard.

Q. Or any special tool?

A. Or any special tool at the present time. I

(Testimony of Robert Adamson.)

could not recall it.

Q. The time charged or credited to say Alfred Boyer for toolroom work, and charged to 5295, which is "Hilonian" work, was time employed by him in the construction of special tools for that work, was it not? Please examine the card "Adamson No. 14" and refresh your mind if you can, before answering the question.

A. My answer to that is that that card—

Q. There are a number of them, Mr. Adamson.

A. These cards were found by me to be correct when I checked them over and handed them over to the office.

Q. I am perfectly aware of that. I am asking if the time employed by Boyer as shown by those cards was not employed by him in the making of special tools for the "Hilonian" job?

A. I cannot recall at this moment what time he had on special tools, and what time he had on other things.

Q. I call your attention to the fact that all the time on those cards is charged to 5295, which is a "Hilonian" number. Must it not necessarily follow that all that time was employed in the making of special tools for the "Hilonian" job?

Mr. FRANK.—I object to your arguing with the witness. It speaks for itself.

A. My answer is still the same, that at the time that time-card was written up by me the time charged, the number of the job and the article worked on were correct.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Q. What other work could Boyer have been performing on the “Hilonian” number 5295, except the making of special tools for the “Hilonian job? A. I cannot recall. [358—268]

Q. Is it possible that he could have been performing any other work in the toolroom than the making of special tools for the “Hilonian” job?

A. Quite possible.

Q. What was that work?

A. Doing lathe work in the toolroom.

Q. What do you mean by that?

A. Making or working on the machine on parts of the machinery that was wanted to be done on that lathe.

Mr. FRANK.—Are you speaking now of the time he was working on this particular number on this particular card?

Mr. McCLANAHAN.—The witness, I understand, is simply giving a possible explanation of what other work, other than the construction of special tools, Boyer might possibly have been engaged in. (Addressing the witness.) That is correct, is it not?

Mr. FRANK.—That is, special tools or generally?

Mr. McCLANAHAN.—Special tools for the “Hilonian.”

Mr. FRANK.—Let us get it correctly. I want to understand the witness as well as you.

Mr. McCLANAHAN.—What is it you do not understand?

Mr. FRANK.—I want to understand whether the witness is speaking about the particular time indi-

(Testimony of Robert Adamson.)

ated on the card that you call his attention to, whatever the card is—5295?

Mr. McCLANAHAN.—I have called the witness' attention to no particular card, but rather to Exhibit 14 which includes the cards of Alfred Boyer and are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, all toolroom work charged to 5295.

Mr. FRANK.—That is what I want to see.

Mr. McCLANAHAN.—Q. Now, what work, Mr. Adamson, which would be properly designated as toolroom work, other than the [359—269] making of special tools for 5295 could be brought in under that description of toolroom work?

A. For instance, say they bring a valve in from the boat to be faced, or any similar job. When it is found there is not a lathe vacant in the shop to do it otherwise than in the toolroom, it was that man's duty if he was asked to by the foreman, to face off that valve on that lathe in the toolroom. That includes his toolroom work because the man was working in the toolroom.

Q. But of that character of work you have now no remembrance as having been done for job No. 5295, which was the "Hilonian" job number in August and September, 1909?

A. No, sir; I cannot recall even the numbers on that job at that time.

Q. These operators in the toolroom are apprentices, are they not? A. No, sir, not all.

Q. Boyer was, was he not?

(Testimony of Robert Adamson.)

A. No, sir, he was not.

Q. What was he?

A. He was a machinist, if I remember properly. I would not swear, but I think he was a machinist.

Q. A machinist? Did not a machinist at that time get more than 18½ cents an hour?

A. I don't know what he was getting at that time, but he was a machinist.

Q. Answer my question. Did not machinists at that time get more than 18½ cents an hour?

A. Possibly they did, but he may have been a machinist's apprentice at that time.

Q. I asked you that.

A. I beg your pardon. He had been an apprentice at that time but was getting 18 cents an hour.

Q. I see by his time-card that his rate was 18½ cents an hour?

A. He must have been an apprentice at that time.
[360—270]

Q. So that even though the apprentice is capable of doing a journeyman's work he was not given a journeyman's pay at that time?

Mr. FRANK.—That is immaterial. I object to it upon the ground that it is immaterial.

A. Well, it is a rule, so far as I understand, in any shop, to employ apprentices, and I can speak from my own experience that apprentices, after they have been two and a half years at the trade, are quite capable of doing a journeyman's work on these machines.

Q. That is getting away from my question. I

(Testimony of Robert Adamson.)

want to know whether they get paid as journeyman are paid even though they are capable after two years of doing a journeyman's work?

A. By his card there he was paid 18½ cents an hour.

Q. That is not journeyman's pay, is it?

A. I don't think I would consider that was journeyman's pay.

Q. Now, we have through these cards reference made to the only number that you are capable now of identifying. Do you remember that number, 4858? A. Yes, sir.

Q. What was that work?

A. We were building a new engine.

Q. A stock engine?

A. No, sir, on an order for a boat. That engine was an order for a boat.

Q. What boat was it? A. I don't remember.

Mr. FRANK.—I object to that as immaterial. We are not charging you up with 4858. I cannot understand why you should go into inquiries regarding that number, or the boat in which it was being worked on. It is immaterial.

Mr. McCLANAHAN.—Q. If you cannot remember the boat, how is it that you remember that it was an engine being built for a boat?

A. Because that number run through the shop for a [361—271] very long time, from the time the engine was started until it was finished.

Q. Would that not be for a stock engine equally applicable as for an engine being built specially, the

(Testimony of Robert Adamson.)

fact that it runs through the shop for a long while?

A. I can recall that that engine was ordered for some boat.

Q. You cannot remember the boat?

A. No, sir, I don't remember the boat, but if I recall right it was ordered for a boat.

Q. Let me once more direct your attention to the matter of your duties in August and September, 1909. When these cards are handed you—I mean the time-cards—you look them over and put your check mark on them as your approval of the time spent and the work done, so that if a card has, say, four numbers on it, and four different descriptions under each number, of work done, or articles worked on, you look at each number and the work performed under that number and check it. Is that correct?

A. I compare the time-card with the list that is before me, and check the one with the other, but as to checking them off, every one separately, that was a matter for my own guidance. It was not compulsory on me to do so. It would depend on whether I had a pencil in my hands at the time probably if I checked it off or not, if I put a check mark on it, but all the shop cards were passing through my hands before they went to the office.

Q. I know that. Do you mean to say that a card coming into your hands with four different numbers on it, and four different kinds of work performed under each number, that you would check some and not all as being your approval of that card?

(Testimony of Robert Adamson.)

A. I checked all the time-cards that were marked down.

Q. That is, it was your purpose to check each of the numbers? A. Yes, sir. [362—272]

Q. And the work done under each number?

A. Yes, sir.

Q. Now, suppose we find cards where some of the work is checked and others left unchecked; what does that mean?

A. That does not necessarily mean that I did not check these off. It was really a matter of my own convenience whether I put a mark on or not. I was not asked to do so, it was not compulsory to do so. It was just as I felt myself, whether I would put a check mark on them.

Q. Now, we come to a situation, Mr. Adamson, where your check marks have become important, for they alone refresh your memory as to the correctness of the cards. Now, you mean to say that that being the fact, you are enabled to have your mind refreshed where there are no check marks on the cards simply because one item on the card has a check mark and the others have not. Does the one check mark opposite one piece of work refresh your memory as to the other piece of work on the same card where there are no check marks?

Mr. FRANK.—Divide that question up. You have been talking for five minutes.

Mr. McCLANAHAN.—I have a right to talk ten minutes if I please.

Mr. FRANK.—Divide it up.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—I will do nothing of the kind. I will have it read to the witness.

Mr. FRANK.—You assume certain things and then start in and state facts, and then argue the matter.

Mr. McCLANAHAN.—I will have the question read to the witness, and if he does not understand it I will try and explain it to him. (To the Reporter.) Please read the question to Mr. Adamson.

(The Reporter reads the question.) [363—273]

Mr. FRANK.—Which one of those several questions is it that you desire the witness to answer?

Mr. McCLANAHAN.—There is only one question there.

Mr. FRANK.—To my mind there are three or four.

Mr. McCLANAHAN.—Q. Do you understand the question, Mr. Adamson?

A. I will answer one question, if it is one question. If there was one check mark found on that card it is a check for the whole card as it stands there.

Q. Even though that check mark stands opposite, and distinctly opposite one piece of work?

A. No matter where it stands on the card.

Mr. FRANK.—Q. Do you intend to answer the rest of the question, because there are lots of statements of facts in that question that might possibly hereafter be assumed to be assented to by you because you have made no answer to it. Let us understand distinctly what you mean,—whether you assent to the proposition stated in that question in the first

(Testimony of Robert Adamson.)

part of it. (To the Reporter.) Now, read it over, Mr. Reporter.

A. I should like to have it read.

(The Reporter reads the question as follows: "Q. Now we come to a situation, Mr. Adamson, where your check marks have become important, for they alone refresh your memory as to the correctness of the cards.")

Mr. FRANK.—Now, stop right there.

The WITNESS.—I will answer.

Mr. McCLANAHAN.—Q. What have you got to say to that?

A. It does not necessarily require these check marks to refresh my memory whether I checked off every item noted on that card.

Mr. FRANK.—Now, read the rest of the question, Mr. Reporter.

(The Reporter reads the question further as follows: [364—274] "Q. Now you mean to say, that that being the fact, you are enabled to have your mind refreshed where there are no check marks on the cards simply because one item on the card has a check mark and the others have not. Does the one check mark opposite one piece of work refresh your memory as to the other piece of work on the same card where there are no check marks?")

Mr. McCLANAHAN.—Q. You have answered that, have you not, Mr. Adamson?

Mr. FRANK.—I object to the entire question upon the ground that it is not a question of refreshing memory at all but it is a question of the regular

(Testimony of Robert Adamson.)

course of his business whether or not he passed on those cards whether checked or not checked at the time that they were handed him as he knew them then to be correct.

Mr. McCLANAHAN.—Q. You do not desire to add anything further to the question?

A. I will state in connection with that again, that I passed on all these cards at the time they were made out and found them to be correct, both as regards the numbers, the jobs worked on, and the hours charged for.

Q. And you have also stated, have you not, that it was the check mark on the cards that enabled you to make that testimony?

A. It does not require these check marks to tell me that I have passed on these cards.

Q. Let me read some of your evidence given on your cross-examination by me, to be found at page 142: “Q. What was it on the card that gave you information that would enable you to answer right?

A. My check mark on each card. Q. Anything else?

A. No, sir.” Is it not as true now as it was when I cross-examined you, that the check mark on the card was the only thing that enables you [365—275] to identify that card as being correct?

A. The check mark enabled me to identify that I checked them over. I know that I checked off all the shop cards irrespective of whether my check mark was on them at the time.

Q. Answer my question: Is it not true now as it was on your cross-examination, that your check

(Testimony of Robert Adamson.)

mark on the card was the only thing that enabled you to pass on the correctness of the card?

A. Yes, sir, on the card on which the check mark was.

Q. If the check mark did not have a card you could not pass on it now as being correct?

A. Ask that question properly.

Q. I beg pardon. If the card did not have a check mark?

A. That does not necessarily imply that I did not check off that card.

Q. Please answer that question.

Mr. FRANK.—He has answered it.

A. I did not intend it to be understood that I could not identify any card unless it actually had my check mark on it.

Q. Let me read some of your evidence upon that point, to be found at page 144 of your cross-examination:

“Q. How does your simple pencil check refresh your mind as to the job number; what does it bring to your refreshed recollection? What does the check mark bring to your refreshed recollection with reference to the job number—that there was such a number in the shop?

A. It brings to my recollection this much, that if my check mark is on that card I knew at the time that that number was correct, that that number was running in the shop, and that I checked off the time according to that number.

Q. You knew that that number was running in

(Testimony of Robert Adamson.)

the shop? [366—276] A. Yes, sir.

Q. Your check mark is not anything peculiar, is it? It is just the ordinary check mark that we all use—is that so?

A. I cannot say what other marks are used but that is the check mark that I use all the time.

Q. If it were not for the check mark you would have no recollection of the job number and the time contained on the card?

A. I don't claim to have a memory to carry me back two or three years to special numbers, when there are thousands of numbers run, that there was any special number at that time.

Q. Will you please answer my question.

A. I beg your pardon.

Mr. McCLANAHAN.—Read the question, Mr. Reporter.

(Question read by the Reporter.)

Mr. FRANK.—He has answered the question.

A. Not at that time, not two years back.

Mr. McCLANAHAN.—Q. You mean not at this time? A. Not at this time.

Q. So it is the check mark alone that enables you to identify these cards? A. Yes, sir."

Q. Do you want to change that evidence in any respect now?

A. Yes, sir; it is that card on which the check mark is.

Q. I do not quite understand that explanation.

A. I cannot help that.

Q. Do you want to change your evidence on cross-

(Testimony of Robert Adamson.)

examination, that the check mark was the thing alone that enables you to identify the card as being correct?

Mr. FRANK.—I do not consider there is any change or any conflict between what you read and the testimony he has now given.

Mr. McCLANAHAN.—Q. What is your answer?
[367—277]

A. I say it identifies that card which was put before me with a check mark on it.

Q. If it did not have a check mark you could not identify the card?

A. I did not say that I don't think; at least I did not mean that I could not identify any card.

Q. Let us go into this a little. I show you, Mr. Adamson, the time-card of D. Stimmel for September 12th, 1909, which is a part of "Exhibit Adamson No. 8," and ask you what is there on that card that enables you to testify that the job number is correct, that the work performed on the job number is correct, and that the hours consumed in that work is correct.

Mr. FRANK.—He did not so testify.

Mr. McCLANAHAN.—The witness can correct me if I have made a mistake. That is my clear understanding of his testimony.

Mr. FRANK.—His testimony was, at the time it was passed in he then knew it to be correct, but he has no present recollection of it yet.

A. That is my answer yet. I have no present recollection of a number running in the shop at that

(Testimony of Robert Adamson.)

time, but that that card was marked by me as being correct.

Mr. McCLANAHAN.—Q. You have no present recollection. What is there on the card which enables you to say at the time that card was passed in it was correct? A. The date of the card.

Q. Anything else? A. And the man's name.

Q. The fact that D. Stimmel was working in your shop at that time? A. Yes, sir.

Q. Anything else?

A. I cannot recall anything else at the present time. It is too far back. [368—278]

Q. Let me ask you, further, if your check mark appeared on this Stimmel card on September 12th it would aid your memory, would it not?

Mr. FRANK.—He has not said that.

A. Not necessarily.

Mr. McCLANAHAN.—Q. Answer me whether it would or not.

A. No matter whether it was on or not it was passed by me at that time. That man was working there, and I passed it as being correct.

Q. How do you know it was passed by you?

A. All the shop cards were passed through my hands.

Q. You have not seen this shop card since it passed through your hands, if it ever did?

A. I know it passed through my hands at that time with the others on the same date. All the shop cards for that date passed through my hands.

Q. With reference to this card of September 12th

(Testimony of Robert Adamson.)

of Stimmel, are you not testifying to its verity simply because it has been introduced by the United Engineering Works as one of their time-cards. Is that not your sole reason for testifying it is there?

A. My reason is that that man was working there at that time. I got his time-card for that day to pass on, and passed on it as being correct.

Q. You have no recollection of getting it, have you?

A. The time-card is there before me, and that is the card that I would verify as being his time-card for that date.

Q. But you have no recollection of the card itself, have you?

A. I cannot recall what was passing before me to a certain point at that date. It is too far back, two years ago. [369—279]

Q. That is what I thought.

A. I could not recall the running numbers at that time.

Q. I call your attention to a card of John Wodjacki, of date September 21st, being a part of "Adamson Exhibit No. 7," and ask you, what is there on that card that refreshes your memory as to its verity at this time?

Mr. FRANK.—I have the same objection to make. There is no such testimony as to its verity. His testimony is that at the time the card was made out he then knew it to be correct and passed it into the office.

A. Yes, sir, and I make the same statement now.

Mr. McCLANAHAN.—I will take Mr. Frank's

(Testimony of Robert Adamson.)

interpretation of the situation and ask you what enables you now to say from an inspection of that card, that you knew at the time it passed through the office that it was correct?

A. Because that man was working in there and there is the date on the card, and I knew that man was working in the shop at that time. I make the same statement as regards the other cards, that his card was passed by me at the time and was found correct.

Q. You recognize now that that card has no check mark of yours on it? A. That is nothing to me.

Q. Answer the question.

Mr. FRANK.—That is what he says, “that is nothing to me.”

A. It is of no consequence to me at all in reference to my having checked the card or not.

Mr. McCLANAHAN. — Q. I understand that. We will get along faster if you answer my question simply, and then make your explanation if you want to. You recognize there is no check mark of yours on it?

A. There is no check mark of mine as far as I can see. [370—280]

Mr. FRANK.—You are wasting a great deal of time. It will come to naught. You may think it will come to something but it will not.

Mr. McCLANAHAN.—Let me go on in my ignorance.

Mr. FRANK.—I will, but it will be expensive in the end.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—Q. I hand you the time-card of P. Mockel dated September the 12th, 1909, being a part of “Adamson Exhibit No. 6,” and ask you what there is on that card that enables you now at this time to vouch for its truth.

A. I have got the same to say with regard to that. I passed on that card when it was put before me at that time, and it was all right.

Q. You recognize that that card of yours has no check mark of yours on it?

A. I do not recognize anything of the kind.

Q. Please examine it and see.

Mr. FRANK.—The cards speak for themselves.

Mr. McCLANAHAN.—I know they do.

A. It does not have the mark that I put on some of the cards on it.

Q. Has it any mark that was put on it?

A. No, sir.

Q. I hand you for your inspection the card of P. Mockel under date, September 21st, being a part of “Exhibit Adamson No. 6,” and ask you what there is on that card that enables you now to speak for its verity?

Mr. FRANK.—I again make the objection to your use of the words “now to speak for its verity,” because they are liable to be misconstrued.

Mr. McCLANAHAN.—Q. You vouch for its verity?

Mr. FRANK.—He vouched for its verity at the time he checked it. [371—281]

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—This is a card he has not checked.

Mr. FRANK.—He has checked it. You are referring to a check mark. I am referring to his checking up to see that it is right.

Mr. McCLANAHAN.—I am referring to his evidence that he did check these cards up with his own peculiar check mark.

Q. I ask you to answer the question, if you can, Mr. Adamson.

A. I see no check mark on that card. That does not necessarily imply that I did not check it off at the time.

Q. What is there on the card that enables you now to speak of its verity?

A. The man was working there at that time. The date of the card tells me that that man was working in the shop at that time.

Q. And that is all, is it?

A. I would pass on his card and find it correct.

Q. And that is all, is it? A. Yes, sir.

Q. I hand you the card of P. Mockel dated September 9th, 1909, being a part of "Libelant's Exhibit 5," and ask you what there is on that card that enables you now to identify it as being correct?

A. The same as I stated with regard to the last card.

Q. Do you recognize that that card has no check mark of yours on it?

A. I do not see any check mark on it, or pencil mark.

(Testimony of Robert Adamson.)

Q. I hand you the card of John Benson, dated September 21st, being part of "Adamson Exhibit No. 3," and ask you to examine that card and tell me what there is on it that enables you now to speak for its verity in the particulars that you have testified to.

A. Nothing more than that I testified that that was properly checked off as regards the number and time and [372—282] everything on it at the time it was made out.

Q. You recognize there is no check mark of yours on it?

A. I recognize there is no pencil mark that I have made, on it.

Mr. FRANK.—In this examination are you offering the suggestion that we had simulated these cards or made them up?

Mr. McCLANAHAN.—I am entitled to dispute the verity of this man's remarkable evidence as to these cards.

Mr. FRANK.—There is nothing remarkable about the evidence.

Mr. McCLANAHAN.—I consider it is very remarkable. You recognize that as well as I do.

Mr. FRANK.—I do not recognize it at all.

Mr. McCLANAHAN.—You present these cards and have them identified by Mr. Adamson in the broad general way that you have, he swearing from his examination that he knew at the time they passed through his hands two years ago that they were correct in certain particulars. I have certainly a right to test the accuracy of his remembrance.

(Testimony of Robert Adamson.)

Mr. FRANK.—If you think that is testing the accuracy of his remembrance all right, proceed.

Mr. McCLANAHAN.—It may be for the Court.

Q. I call your attention to the card of James McDonald dated September 9th, 1909, being part of "Adamson Exhibit No. 26," and ask you what there is on that card that enables you at this time to speak for its verity.

A. I know that man was working there at that time. I know by his handwriting, that he has written out that card himself.

Q. Anything else?

A. And the date of it, and I guarantee it was passed before me.

Q. Do you recognize it does not contain your check mark?

A. It does not require the check mark to identify the card as [373—283] far as the man is concerned. Probably the check mark is on that card.

Q. Answer the question: Do you recognize the check mark is not on that card?

A. I do not say that. There is a mark here that may probably be my check mark.

Q. Please put a circle around what you say may be your check mark. A. I say it may be.

Q. Please put a circle around what you say may be your check mark. A. Yes, sir.

Q. Now, put your initials under that circle?

A. Yes, sir.

Q. Does that check mark at all enable you to identify the card?

(Testimony of Robert Adamson.)

A. No, sir. I identify the card as belonging to that man by his own handwriting, and as being written out by himself.

Q. I hand you the card of James McDonald of September 2d, 1909, being a part of "Adamson Exhibit No. 26," and ask you if you can tell me now what enables you to identify that card as being true in the particulars that you have testified to.

A. I recognize the man's handwriting, and that man was working there at that time, and his time-card was passed by me as being correct at the time it was made out.

Q. Nothing else on the card that enables you to identify it?

A. Probably there is. I see a check mark there. I see a mark there.

Q. Is it yours?

A. It probably stands for my check mark.

Q. Does that help you to identify the card?

A. It helps me to identify the card if that is my pencil mark so far that I put that mark on it, that that is my check mark.

Q. Does that help you to identify the writing that is placed after it, or the whole card?

A. It enables me to identify the whole card as it stands there. [374—284]

Q. Even though the other items on it are not checked? A. Yes, sir.

Q. Do you work at the shop on Sundays?

A. When I am asked to.

Q. As a rule you do not?

(Testimony of Robert Adamson.)

A. At that time I was working on Sundays if I was asked to.

Q. Do you work now if you are asked to?

A. I can judge for myself whether I have to work or not. I do not require to be asked.

Q. Were you asked to work on Sundays during the months of August and September, 1909?

A. I cannot recall at the present moment whether I was or not.

Q. Would that card enable you to state whether you worked Sundays or not, in August, 1909? I refer to the card of William Hay, dated August 29th, 1909, being a part of "Adamson Exhibit No. 24."

A. I can verify the card that I checked it off as being correct.

Q. Answer my question.

A. I have answered already, I cannot recall whether I worked on August the 29th or not.

Q. On Sunday?

A. I have nothing to bring it to my memory.

Q. But there is something on the card that enables you to vouch for its verity now in the particulars you have testified to?

A. The check mark is on it there.

Q. Your check mark? A. Yes, sir.

Q. I hand you the card of G. Martioli dated September 6th, 1909, being a part of "Adamson Exhibit No. 22," and ask you what there is on that card that enables you now to speak for its verity in the particulars that you have testified to. [375—285]

A. The date of the card and the man's name.

(Testimony of Robert Adamson.)

Q. Is there anything else?

A. No other marks that makes me recognize it any more other than the man's name and the date of it, and he was working there at that time.

Q. There is no check mark on it of yours, is there?

A. Not that I noticed.

Q. By the way, can you tell me the names of the men that were working for you in August and September, 1909? Put them in the record here.

A. Give me the time-cards and I will tell you who they are.

Q. So you cannot do it unless you see the time-card; is that correct? A. I could name some.

Q. But not all?

A. Give me the time-cards and I will tell you who they are.

Q. Can you tell me how many men were working for you in August and September, 1909?

A. I cannot recall how many were working at that time.

Q. Mr. Adamson, who is it that puts the red marks that we find on these cards, on them?

A. The timekeeper.

Q. What is his name? What was his name in August and September, 1909?

A. Charles Sjoberg.

Q. Spell it. A. S-j-o-b-e-r-g.

Mr. FRANK.—You have got it in the record.

Mr. McCLANAHAN.—Q I hand you the card of G. Martioli of date September 11th, 1909, being a part of "Adamson Exhibit No. 22" and ask you if

(Testimony of Robert Adamson.)

you can explain why under the description of the articles worked on we have the whole description in red ink. Can you explain why that entry of the articles worked on is in red ink in its entirety?

A. Yes, sir. I asked the [376—286] time-keeper to write in the articles that that the man was working on because the man did not know the name of the job he was working on.

Q. Did you know the name of the job?

A. I knew the name of the job.

Q. Why did you not write it in?

A. I did not make alterations as a rule myself, I made the timekeeper do it.

Q. That would not be an alteration?

A. That was done at my suggestion.

Q. Referring to this same card, I will ask you if you remember whether you checked the card before or after the red ink insertion was made.

A. I cannot recall that at the present time, but it was done at the time that the insertion with red ink was made.

Q. So that you do recall that it was done at the time?

A. I know the rule by which I myself go in checking over these time-cards.

Q. What is that rule?

A. That when there are insertions or alterations made they are always made when I am checking off the cards.

Q. And that you must then check it at the time the alteration is made? A. Yes, sir.

(Testimony of Robert Adamson.)

Q. I hand you the card of G. Martioli, September 12th, being a part of "Adamson Exhibit No. 21," and I see that on that card the same red ink entry appears but there is no check mark on it. Can you please tell me now what it is that refreshes your mind as to the verity of that card in the particulars that you have testified to?

A. There is on that card this insertion in red ink which would be made by my instructions by the timekeeper. [377—287]

Q. Is that the only thing that makes you speak for its verity now?

A. I speak for its verity so far as I say that the timekeeper would make that insertion at my suggestion.

Q. It would not be possible for him to make it without your suggestion?

A. It is possible for him to do anything, but that is the general rule that I had in regard to these cards.

Q. Do you remember that he made this particular insertion at your instruction, that I refer to in the card in question?

A. I recognize by the card, of it having been made at my suggestion.

Q. What is it that the card shows you that enables you to testify that that was made at your suggestion?

A. As I have stated with regard to other cards, that the timekeeper would not have written that in red ink only at my suggestion when I was checking off the cards.

Q. I hand you the card of G. Martioli, dated Sep-

(Testimony of Robert Adamson.)

tember 18th, 1909, being part of "Adamson Exhibit No. 21," and ask you to tell me what work was done on job 5295 for six hours.

A. I don't remember now. It is too far back.

Q. Well, would you pass a card in that did not show any work done under a job number though it showed time worked on a job number?

A. That card was checked off by me and found correct at the time it was made out.

Q. You have testified that that card was correct as to the articles worked on. What are the articles worked on under 5295 for six hours?

A. I do not recall the number worked on at that time.

Q. Look at this card. Don't you see that the card has no itemization of work done for six hours upon 5295? [378—288]

A. What is that to my memory now, after two years?

Q. I do not think it is anything.

A. You are trying to tell me it is a guide to my memory.

Q. Do you admit it is no guide to your memory?

A. That was found correct at the time that I passed on it.

Q. That is the best answer you can make?

Mr. FRANK.—When he makes an answer apparently it is the best answer. If you suggest another one he might take your suggestion.

Mr. McCLANAHAN.—I would suggest that he

(Testimony of Robert Adamson.)

amend his testimony with regard to the six hours' work.

Mr. FRANK.—I do not think so at all.

Mr. McCLANAHAN.—You asked me for my suggestion and I give it to you. You ought to treat it more kindly.

Mr. FRANK.—I see I made a mistake. If I should ask for your suggestion generally you would not pay your bills. That is what this proceeding is.

Mr. McCLANAHAN.—We have offered to pay the just value of this work.

A. I once answered that same question before in regard to one of these time-cards. Martioli is a helper, and there are probably 4 or 5 or 6 machinists working on pieces on that number. He is liable to be called by any one of these machinists to lend a hand with the work, and it was known at the time he was working on that number, and probably all these different machinists on different pieces, and the articles worked on were not specified. It was taken as a general thing in regard to the helper's work. [379—289]

Q. Can you name some other helpers in the shop besides Martioli, that were helpers in August and September, 1909?

A. James McDonald was a helper—

Q. Any others? A. —at that time.

Q. Any others?

A. Probably if I were to go through the time-cards I could tell you.

(Testimony of Robert Adamson.)

Q. What is the difference between a helper and an apprentice?

A. The difference between a helper and an apprentice?

Q. Yes—is there any difference? I am asking you that, Mr. Adamson.

A. An apprentice is called a machinist and a helper is called a helper or a laborer.

Q. Then there is a difference between a helper and an apprentice? A. I would say so.

Q. I show you the card of C. W. Higgins—he was not a helper, was he? A. Show me his card.

Q. Why do you want to see his card? In order to answer the question?

A. In order to answer the question, to be able to answer your question.

Q. That is, if on the card there appears the word “helper” or “machinist” that would help you?

A. Not necessarily.

Q. What is there on the card that would help you?

A. Probably the nature of the work would guide me.

Q. Then I will show you his card, under date of August 31, 1909, being a part of Libellant’s Exhibit 19; will you tell me from an inspection of the card whether he was a helper or not?

A. He was an apprentice.

Q. He was an apprentice? A. Yes, sir.

Q. What is there on the card—

A. In the very early stages of apprenticeship.

(Testimony of Robert Adamson.)

Q. What is there on the card that tells you he was in the early stages of apprenticeship?

A. I know his apprenticeship ain't ended yet; that is why.

Q. You knew that before you looked at the card, didn't you? A. I wanted to see his initials.

Q. I gave you his initials.

A. To be sure—am I not entitled to see the cards when I want to make sure?

Q. Certainly.

A. I have the right to ask for the cards.

Q. I give you the card. A. Yes.

Q. Will you please re-examine this card of August 31 of C. W. Higgins and tell me what work he was working on for nine hours under job number 5295?

A. Well, during the early stages of their apprenticeship, if it is found there isn't enough helpers in the shop to do all the helping work at the time, when there is work to be done, the younger apprentices are often appointed to act as helpers for the time being to the machinists in the shop because they are not capable of taking charge of a job on their own responsibility.

Q. And that is your only explanation of this card's verity to show the character of the work being done by this man for nine hours?

A. That is the explanation I gave for it.

Q. All right. I show you the card of the same man, C. W. Higgins, dated September 6, 1909, being a part of Adamson Exhibit No. 19, where it is shown that for nine hours straight time this man is credited

(Testimony of Robert Adamson.)

under job 5295, and ask you if the same explanation applies to that as to the last card shown you?

A. That is the explanation I give for it, the same explanation as the other.

Q. I see that he is given overtime there. You do not know whether [381—291] that was a Sunday, do you?

A. Well, I did not look at the day, but when he is getting double time for it, it would be either a Sunday or a holiday.

Q. I have examined you, Mr. Adamson, on various card numbers that are to be found in exhibits from 1 to 47 which have been introduced on your direct examination—I have not been able to examine the other exhibits yet between 47 and 103, but if there be in those exhibits cards that have not your check mark on them, I suppose that your explanation of your ability to properly verify those cards at that time would be the same as it is to the cards which you have been examined on,—where your check mark does not appear?

A. If I remember, my former remark to that was that I can verify them because I know all shop cards passed through my hands before they went to the office, whether they have my check mark on them or not.

Q. Then your answer would be the same practically? A. Yes.

Mr. FRANK.—He has answered that.

The WITNESS.—Yes, that would be my answer.

Mr. McCLANAHAN.—Q. By the way, what en-

(Testimony of Robert Adamson.)

ables you now to remember that these cards passed through your hands, these cards that have no identifying check marks of yours on them?

A. As I told you, these men were working there at that time, and their time-cards were passed by me as being correct every morning as they were made out.

Q. I turn now to the cards on which you were examined this morning by Mr. Frank and which have been introduced in evidence as your exhibits from 104 to 121 inclusive. A. Yes, sir. [382—292]

Q. And referring to the card specially of W. Bouick, being part of Exhibit No. 105—it is dated September 20, 1909,—I ask you what there is on that card now that enables you to speak for its verity in the particulars that you have testified to.

A. I know that that man was working there at that time as a machinist, and that his time-card was checked off by me as being correct at the time.

Q. You recognize that that particular card has no check mark of yours on it?

A. No, it has no special check mark on it, as far as I see.

Q. I call your attention now to the card of James Furman under date of August 31, being a part of Adamson Exhibit 107, and ask you what there is on that card that at this time enables you to speak for its verity in the particulars that you have testified to.

A. He was a machinist working with us at that time, and that is marked there as his card, and I

(Testimony of Robert Adamson.)

checked off that card at the time as being correct.

Q. You recognize that it does not contain your check mark?

A. I do not see any special check mark on it.

Q. I hand you the card of James Furman of date September 4, 1909, being part of your Exhibit No. 107, and ask you what there is on that card that enables you to speak for its verity in the particulars that you have testified to.

A. The same answer that I made to the last.

Q. Do you recognize that that card has no check mark of yours on it?

A. I do not see any special mark on it.

Q. When I say "check mark" why do you answer "special check mark"? You do not see any check mark on it, do you? [383—293]

A. I am referring to the check mark that I usually put on. I am not trying to get around the question in answering it that way. Hereafter I will try to be more direct.

Q. So when you say "special check mark" you mean your mark?

A. The mark that I usually put on the card. That is what I am referring to. I am not referring to anybody else's mark on the card.

Q. I hand you the card of James Furman of date September 8, 1909, and ask you whether there is anything on that card or what there is on the card that enables you to speak for its verity.

A. I make the same answer that I made to the last.

Q. Do you recognize that it has not your check

(Testimony of Robert Adamson.)

mark on that?

A. It has no special check mark on that.

Q. I hand you the card of John Moork of date September 4, 1909, being part of your Exhibit 110, and ask you what there is on that card that enables you to speak for its verity at this time.

A. I make the same answer in regard to it as I made to the others.

Q. You recognize that there is no check mark of yours on that card?

A. No, there is no special mark on it that I see.

Q. There are two cards belonging to Charles Holmquist that were identified by you this morning and vouched for by you this morning; one of them is dated September 7, 1909, and the other is undated, as far as I can understand it. Can you tell me when that work was done on that latter card?

A. Only the one card you are referring to?

Q. Read the question, Mr. Reporter.

Mr. FRANK.—Q. He wants to know what the date of it is. A. Oh yes. [384—294]

Mr. McCLANAHAN.—Q. Can you tell me when the work was done that appears on that undated card? A. Well—

Q. What is that?

Mr. FRANK.—That is not entirely undated.

A. There is the “5” there—“5” there means the date; that would be the date.

Mr. McCLANAHAN.—Q. That means what date?

A. That would be the day of the month in which it was worked on.

(Testimony of Robert Adamson.)

Q. What month was it?

A. I cannot recall that now.

Q. What year was it? A. I cannot recall.

Q. So you cannot give us any help as to when that work was done?

A. No; any more than it was checked off at that time by me as being correct.

Q. But you do not know what time that was?

A. I cannot recall now what time it was.

Q. I thought perhaps you knew because you had verified it.

A. I would know at the time, all right.

Q. I hand you a card of James Furman dated September 12, 1909, being part of your Exhibit No. 117, and ask you what there is on that card that enables you now to speak for its verity in the particulars that you have done.

A. Well, I see a special check mark on there. I see my usual check mark on it.

Q. Where is it, Mr. Adamson? Draw a circle around your check mark.

A. Wait until I get a pencil.

Q. Do not destroy the check mark.

A. There is the check mark right there. I did not touch it.

Q. Put your initials, "R. A." on there.

A. Yes. (After drawing a circle and putting his initials on it.) That is where [385—295] I see that check mark on that card.

Q. So that is what enables you to speak for its verity, is it?

(Testimony of Robert Adamson.)

A. Any more than the man was working there at the time, and his time was checked off as being correct by me at the time.

Q. Mr. Adamson, I call your attention to the card of James Furman dated September 13, being part of Exhibit 117, and ask you if you can explain why you directed the timekeeper in the office to change the first two numbers from 5295 to 5325.

A. My explanation is that I had found that the numbers as given by the man had not corresponded with the piece that was worked on, the number on the piece that was worked on, and I made the timekeeper put in the proper numbers of the piece that the men had been working on at the time.

Q. Mr. Adamson, your testimony heretofore has been to the effect that in the first instance you have given to the man the job number. Now, that being so, you evidently gave to this man job number 5295. What was it that made you afterwards change that job number to 5325?

Mr. FRANK.—That does not follow at all, that he gave that man that number 5295.

Mr. McCLANAHAN.—Mr. Frank, if you have an objection, please state it; please do not argue it so as to give the witness the cue. Just make your objection.

Mr. FRANK.—My objection is that your statement is assuming a fact which is not true, and attempting to mislead the witness, and when I say that, I do not mean it offensively, either.

Mr. McCLANAHAN.—I will try to rectify it.

(Testimony of Robert Adamson.)

Q. Mr. Adamson, I do not want to mislead you. I have understood [386—296] that in the first instance you always gave to the man the job number on which he was to work; is that correct?

A. If I remember, the last statement was that I put the number on the job when it came into the shop, and then it was taken and delivered to the man who was to work on it, and I was not responsible for the man mistaking the numbers; when there are several numbers running in the shop, a man is quite liable as a rule, as they do, once in a while, to get the wrong number on the piece he works on and gets it mixed up, and it is my duty to see that that number is rectified, that the right number was put on the time-card as against the piece he was working on, if the man had made a mistake on them. I have said that before in regard to this same thing.

Q. Am I not still correct that in your testimony you have said that you are the man who furnishes the operator, the machinist, with the job number? He may make a mistake with it afterwards, but you furnish him that number?

A. I put the number on the job.

Q. That goes to him to work on. A. Yes, sir.

Q. Now, this card has four numbers on it.

A. Yes, sir.

Q. All of them were originally 5295.

A. Yes, sir.

Q. But the first two 5295 numbers have been changed from that to 5325. A. Yes, sir.

Q. Can you remember why that was done?

(Testimony of Robert Adamson.)

A. I can't remember any more than I had found he had put the wrong number on the piece he had been working on that is marked opposite these numbers, and I would find that out by knowing the piece he was working on at the time, and the number that was on that piece, [387—297] and he had been probably mixing up his numbers, and got the wrong number down in connection with that piece, and I had to have it changed to the right number.

Q. So that your explanation is that originally that piece as it first came to you had 5325 on it.

A. I do not infer that at all from what I have said. I stated that if I found that man had put the wrong number down for the piece he had been working on I got it rectified when I checked over the cards.

Q. That is just exactly what I have meant to say to you.

Mr. FRANK.—But you did not.

Mr. McCLANAHAN.—Q. I understand that when the piece came to you, the work came to you from the office, it must have had 5325 on it—or was it changed?

A. What number is put on there?

Q. 5295.

A. That is the number that had been given me from the office for the piece that was worked on.

Q. Exactly. When that piece came to you from the office it had 5325 on it. A. The piece?

Q. The work, the specifications.

A. Now, you are getting at it. When I got the number from the office for that piece,—the piece comes from the ship, and I get the number to put on

(Testimony of Robert Adamson.)

that piece from the office.

Q. Isn't it quite likely, Mr. Adamson, that when this piece, these specifications came from the office, it had 5325 on it, and during the course of the work or after it was checked up or at a time when you commenced to check it up, you got instructions from the office to change that to 5295?

A. I don't remember of getting any instructions to that effect. [388—298]

Q. That is quite possible?

A. I can't say whether it is possible or not, because I do not remember ever anything of the kind happening in connection with it.

Q. You never heard of a number being changed from one to another during the course or progress of the work?

A. No; I don't remember anything to that effect.

Mr. FRANK.—What is the materiality of all this? They are both "Hilonian" numbers and against time work.

Mr. McCLANAHAN.—That is your contention.

Mr. FRANK.—That is a fact.

Mr. McCLANAHAN.—That it is time work—that is where we differ with you.

Q. I hand you the card of Ed Acosta of date August 31, being part of your Exhibit No. 118, and ask you what there is on that card that enables you now to speak for its verity.

A. Any more than that that man was working in my department at that time, and that his card was made out for that and I passed that card in as being

(Testimony of Robert Adamson.)

correct at the time.

Q. You recognize it does not contain your check mark?

A. No, there is no special check mark on it.

Q. I hand you the same man's card dated September 1, being a part of the same exhibit, and ask you the same question. A. I make the same answer.

Q. You recognize that that has no check mark of yours on it?

A. It has no special check mark on it.

Q. I hand you the card of the same man dated September 2, being part of the same exhibit, and ask you the same question.

A. I make the same answer to that. [389—299]

Q. You recognize that the card has no check marks of yours on it?

A. No special check mark on it there.

Q. You mean it has no special check mark on?

A. It has no special check mark that I see.

Q. I hand you a card of the same man, dated September 4th, being a part of the same exhibit, and ask you the same question.

Mr. FRANK.—That is No. 118?

Mr. McCLANAHAN.—Yes.

A. I make the same answer.

Q. You recognize that—

A. I see no check mark on it.

Q. I hand you the card of William Stewart, dated September 1, being a part of your Exhibit No. 120, and ask you the same question.

A. I will give you the same answer.

(Testimony of Robert Adamson.)

Q. You recognize it has no check mark of yours on there?

A. There is no special check mark on it.

Q. I hand you the card of the same man dated September 4, being a part of the same exhibit, and ask you the same question. A. I see no mark on it.

Q. Your answer is the same.

A. The answer is the same as regards the others, that the man was working there, and that it was his time-card for that day, and I checked it at that time and passed it in as correct.

Q. I hand you the card of N. W. Albers of date August 31, 1909, being one of your Exhibit No. 121, and ask you the same question.

A. I make the same answer. I see no special mark on it.

Q. I hand you the card of the same man of date of September 2, 1909, being a part of the same exhibit, and ask you the same question. [390—300]

A. I give the same answer.

Q. You see no check mark of yours on the card?

A. No, I see no special check mark on it.

Q. I hand you the card of the same man dated September 4, being a part of the same exhibit, and ask you the same question.

A. I give the same answer.

Q. You see no check mark of of yours on the card?

A. No, I see no special check mark on it.

Q. I hand you the card of the same man dated September 9, being part of the same exhibit, and ask you the same question.

(Testimony of Robert Adamson.)

A. I give you the same answer, I see no special marks on it.

Q. You see no check mark of yours on that card?

A. No, sir.

(An adjournment is here taken until to-morrow morning, Thursday, August 24th, 1911, at 10 o'clock.) [391—301]

Thursday, August 24th, 1911.

ROBERT ADAMSON, recross-examination resumed:

Mr. McCLANAHAN.—Q. I think I omitted to ask you, Mr. Adamson, yesterday, as to the card of James Kassner, of September 12th, part of Adamson Exhibit No. 29. I ask you to inspect that card and tell me now what there is on it that enables you to speak for its verity in the particulars that you have testified to on your direct examination.

A. There is the name and the date and the handwriting of the man who wrote out the card, whose card is represented to be there.

Q. And those are the only matters that enable you to vouch for the card?

A. That makes me vouch for the card.

Q. You recognize that there is no check mark on it, do you?

A. I do not see any special check mark on it.

Q. I show you the card of John Williams which was introduced in evidence in this case under date of August 29th, as a part of "Adamson Exhibit No. 128." It appears from the card that "August" is not on the card, but I suppose we will admit that the

(Testimony of Robert Adamson.)

29th means August.

Mr. FRANK.—That can easily be verified.

Mr. McCLANAHAN.—We will admit that that means August.

Mr. FRANK.—Just let me look at it.

Mr. McCLANAHAN.—You introduced it as August 29th.

Mr. FRANK.—Yes, I just wanted to look and see it.

Mr. McCLANAHAN.—Q. I show you that card, Mr. Adamson and ask you what there is on it that enables you at this time to speak for its verity in the particulars you have testified to on your direct examination. [392—303]

A. I make the same statement that I made in regard to the others, identifying that card as being the card of John Williams on that date.

Q. You recognize there is no check mark?

A. There is no special check mark. I recognize it by his handwriting and signature.

Q. You also recognize that we are not in this case identifying the handwriting of John Williams?

A. You ask me to identify the card?

Q. Yes, and the work done on the card.

A. I know, if I may be allowed to state, that that man signed his pay-roll at the time he got his pay, and the card was made out, and it is the same handwriting, is it not?

Q. I show you the card of the same man, John Williams, dated September 4th, and being a part of the same exhibit, No. 128 Adamson, and ask you what

(Testimony of Robert Adamson.)

it is that appears on that card that enables you to speak for its verity in the particulars that you have testified when the card was introduced.

A. The same answer as the last card.

Q. You recognize that there is no check mark on that card?

A. There is no special check mark on it.

Q. I hand you the card of John Williams, under date September 12th, being a part of Exhibit No. 127, and ask you what there is on that card that enables you now to speak for its verity in the particulars you have testified to.

A. I make the same answer as I made in regard to the other.

Q. You recognize it has no check mark of yours on it? A. There is no special check mark on it.

Q. I hand you the card of J. Blake, of September 1st, 1909, being part of Adamson Exhibit No. 132, and ask you the same question. [393—304]

A. I make the same answer with the addition that I knew that that man was working on the work at that time.

Q. You recognize that your check mark does not appear on this particular card?

A. There is no check mark on it in particular.

Q. I hand you the card of the same man, under date of September 2d, being a part of Adamson Exhibit No. 132, and ask you the same question.

A. I give the same answer.

Q. You recognize that there is no check mark on that card? A. No special check mark on it.

(Testimony of Robert Adamson.)

Q. I hand you a card of the same man under date of September 4th, being a part of Exhibit 132, also, and ask you the same question.

A. I make the same answer.

Q. You recognize there is no check mark on that card? A. None.

Q. I hand you the card of Thomas McConky, dated August 30th, 1909, being part of Adamson Exhibit No. 133, and ask you the same question.

A. My answer is that I verify that card by knowing the man's handwriting personally, and knowing that the man was working there, and knowing that his signature was put to the pay-roll at that date.

Q. Mr. Adamson, do you recognize that in your last statement you have not answered my question?

A. Read over the question and I will try and answer it.

Mr. FRANK.—I do not understand that he has not answered your question.

Mr. McCLANAHAN.—Read the question, Mr. Reporter. (The Reporter reads back consecutively six questions until he arrives at the one to which Mr. McClanahan says he refers.)

Mr. McCLANAHAN.—That is the question with reference to Thomas McConky. [394—305]

Mr. FRANK.—I do not see why that was not an answer to that, Mr. McClanahan.

Mr. McCLANAHAN.—I have asked the witness a question, if he wants to answer it let him. Please do not answer it yourself.

Mr. FRANK.—You have stated he has not an-

(Testimony of Robert Adamson.)

swered your question.

Mr. McCLANAHAN.—I beg pardon. Read my question to the witness, Mr. Reporter.

(The Reporter reads the question.)

Q. Do you recognize by your last statement that you have not answered my question? Now, can you answer that?

A. I recognize the card by the handwriting of the man who made it out. I answer that distinctly with Thomas McConky. I know him personally and am very familiar with his handwriting. That is his handwriting I will verify on that card.

Q. Now, my question, Mr. Adamson, referred to your testimony given with reference to that card on your direct examination when Mr. Frank was examining you. My question referred to your testimony given at that time. At that time, as I remember your testimony, you vouched for that card in certain particulars as to date, as to job worked on and job number. Now, I have asked you what there is on the card that enables you to vouch for those particular matters that you have already testified to. In your answer to my question you have referred to something that was not before you at the time that you answered Mr. Frank's question on the direct examination, namely, the clock card. Do you now say that the clock card is what enables you to vouch for Mr. Thomas McConky's card of August 30th, 1909?

A. I do not, sir. So far as that particular card is concerned I have stated that I recognize his handwriting on that card. [395—306] I did not refer,

(Testimony of Robert Adamson.)

I don't think, in particular to his clock card but to his handwriting on his time-card.

Q. So that your reference in your answer to the clock card had nothing to do with my question?

A. Well, it does not necessarily have to do with that. I know his handwriting and that is his handwriting on that card. That is what it is.

Q. I show you the card of the same man dated September 1st, 1909, and being a part of Adamson Exhibit No. 133, and ask you what there is on that card that enables you to speak for its verity in the particulars that you have testified to on your direct examination?

A. Well, the man's name is there and he was working there at that time for the firm, and I checked off his card at that time that it was handed in to me.

Q. You recognize there is no check mark on that card?

A. I do not see any special check mark on it.

Q. There was no check mark on the card of the same man of August 30th, that you have just been examined on?

A. Did you not ask me that same question before?

Q. I say you find no check mark on the August 30th card?

A. I do not see any special check mark on that either.

Q. I hand you the card of the same man, dated September 2d, being a part of the same exhibit, Adamson No. 133, and ask you what there is on that card that enables you to speak for its verity in the

(Testimony of Robert Adamson.)

particulars that you have testified to.

A. Yes, sir, the man's name and the date on the card makes me verify it.

Q. Anything else?

A. Otherwise there is no special marks on the card.

Q. Your check mark does not appear on the card?

[396—307]

A. No, sir, I have no special check mark on the card.

Q. I hand you the card of J. Blake, of September 21st, 1909, being part of "Adamson Exhibit No. 135," and ask you what there is on that card that enables you at this time to speak for its verity in the particulars that you have testified on your direct examination?

A. By the man's name and by the date on it, and knowing that he was working there at that time, and also by his handwriting I recognize that card as being the card of John Blake.

Q. You recognize that there is no check mark of yours on the card?

A. I do not say that there is any check mark on it; no, sir. That is no consequence to me as far as I am concerned in recognizing the card.

Q. These cards have not been seen by you since they were passed in, in August and September, 1909, until this occasion?

A. Until this occasion. This is the first time I have seen them since then.

Q. I hand you the card of William Robertson, dated August 30, 1909, being part of "Adamson Ex-

(Testimony of Robert Adamson.)

hibit No. 136," and ask you what there is on that card that enables you to speak for its verity in the particulars you have already testified to?

A. I see no special marks on it, but I recognize it by knowing that this man was working there at that time, and that I passed his card amongst the others.

Q. Your check mark is not on the card?

A. No, sir, I see no special check mark on it.

Q. I hand you the card of the same man, dated August 31st, part of the same exhibit, and ask you the same question as to its verity.

A. I make the same answer to that as I made to the other. [397—308]

Q. You recognize that there is no check mark on that? A. I do not see any check mark on it.

Q. The check mark is not necessary for you to identify this card in the particulars you have testified to?

A. No, sir, not in the least.

Q. I hand you the card of W. M. Albers, dated September 12th, 1909, being part of "Adamson Exhibit No. 137," and ask you what there is on that card that enables you at this time to speak for its verity in the particulars that you have already testified to on cross-examination?

A. I give the same answer as I gave to the other.

Q. You find no check mark on that card, do you?

A. No special check mark on it.

Q. Since when during the course of your examination in this case, did the check mark cease to be im-

(Testimony of Robert Adamson.)

portant in identifying the particulars testified to on these cards?

Mr. FRANK.—That is objected to. That is unfair in view of the examination yesterday, and the testimony of the witness on that subject. You attempted yesterday to make out from his previous testimony, that he testified differently to what he is testifying now. I submit that you failed in that respect. There was no such testimony in the record and you are now assuming something that is not in evidence; in other words, that there is a change in his testimony in that regard.

Mr. McCLANAHAN.—Q. Can you answer my question, Mr. Adamson? Now, that the objection is in read the question, Mr. Reporter.

(The Reporter reads the question.)

A. I do not think it ever had a beginning as far as I am concerned on these cards that you are putting before me at the present time. [398—309]

Q. Do you make a distinction between the cards I am now examining you on and the cards you have previously been examined on with reference to the check mark being an aid of identification?

A. I am talking of, so far as I understand you to mean, so far as I understand your question—I am talking of each card as you give it to me, and am trying to answer the questions fair and square as far as I am able in my own judgment to do so. I do not think that I ever made a beginning in saying actually that I could not verify any card because there was no check mark on it.

(Testimony of Robert Adamson.)

Q. You make no distinction, then, between the cards that have been introduced in evidence from No. 1 to 141, inclusive. They are all alike, as far as your ability to identify them is concerned?

A. I have stated all the time that all these cards which you have put before me, have been passed by me at the time that they were made out, and passed by me as correct, because I know that these men were working there at that time, and if they were not there at that time they would not have been passed by me. Their name is there and the date is there and I knew these men were working there during that time, and it does not require the special check mark which you speak so much about to make me remember that these men were working there and that these are their cards that I have checked off when I was there at that time.

Q. You make no distinguishment between the cards at all. They are all alike with reference to your ability to identify them?

A. They were all checked off by me at that time as being correct.

Q. Why cannot you answer my question, Mr. Adamson; I asked you [399—310] if you made any distinguishment between these cards, in your ability to identify them. They are all in the same category.

A. I am trying to answer the question as I answered it before. As I do not grasp your meaning you must excuse me. I am telling you what I have said already. All I can say about it, as far as I

(Testimony of Robert Adamson.)

understand your question—

Q. Please do not say it again. We have heard it. I understand that.

Mr. FRANK.—Do not interrupt him. He has as much right to repeat his answer as you have to repeat the question over and over again as you have been doing.

Mr. McCLANAHAN.—Q. You can answer my question yes or no, and then make any extended explanation you wish. Are these cards all in the same category as far as you remember in the identification of them? Say yes or no.

Mr. FRANK.—That is not fair, “say yes or no.” That is not a proper way to intimidate the witness. It is intimidating the witness, that is what it is. The witness is entitled to give the full explanation so that he shall be understood and not misunderstood, whatever his answer may be.

Mr. McCLANAHAN.—Q. Mr. Adamson, are you being intimidated?

A. You know that better than I do.

Q. I know whether you are being intimidated or not?

A. I am not taking it that I am being intimidated by anyone. I am trying to answer the question to the best of my ability and as truly as I can.

Q. Please answer the question as well as you can.

A. I am only telling the truth, and will not say anything but the truth.

Q. Answer the question.

A. It does not require any special [400—311]

(Testimony of Robert Adamson.)

mark to make any distinction between the card that has the mark on and one that does not have them on.

Q. Amen. We have heard that, but that is not an answer to my question. Please tell me, will you, why these cards are in the same category, all of them, from 1 to 141, with reference to your ability to identify them?

Mr. FRANK.—He has already answered that question distinctly in his last answer whether you think it is or not.

Mr. McCLANAHAN.—Q. Will you please answer it?

A. If I have answered that question I do not see that it is necessary to answer it again.

Mr. McCLANAHAN.—Mr. Reporter, please turn back a little. I want to call the witness' attention to the statement that has called forth all this discussion where he makes particular emphasis of the cards that I am examining him on now.

(The Reporter reads the testimony.)

Q. You see, Mr. Adamson, now that your testimony has been read to you that there was a hint that you make a distinction between the cards I am now examining you on with reference to the check mark, and the cards you have been examined on prior to this. Do you make any such distinction between these cards? They are all in the same category, are they not?

A. Allow me to put in this little bit. Some of these cards you examined me on this morning I know, I can recognize them by the handwriting that

(Testimony of Robert Adamson.)

is on the cards, because I know that the handwriting of some of these persons passes before me every working day in the year from the time of the work until the present day, and I can recognize them by the handwriting. I make that.

Q. With that distinction, there is no other between the cards?

A. That is the only distinction that I will make at the present time. [401—312]

Q. You recognize that on the card of M. W. Albers of September 12th, being part of Exhibit No. 137, there is no check mark of yours?

A. No, sir, I don't see any check mark on it.

Q. I show you the card of William Boehle dated August 30th, 1909, being part of "Adamson Exhibit No. 138," and ask you what there is on that card that enables you now at this hearing to speak for its verity in the particulars that you have testified to?

A. I make the same answer to that as I made to some of the former cards, that I knew the man was there on that date and I passed on his card and found it correct at the time.

Q. You recognize that there is no check mark of yours on the card?

A. I do not see any check mark on it.

Q. You remember the date of August 30th, 1909, now, do you?

A. I remember he was working there at that time.

Q. Will you answer my question? You remember the date of August 30th, 1909?

A. Of course I do.

(Testimony of Robert Adamson.)

Q. What day of the week was it?

A. August 30th? I think it would be a Thursday, would it not?

Q. Thursday? Did you say Thursday?

A. No, sir, it would be a Monday.

Q. Monday? A. Yes, sir.

Q. How do you remember now it was a Monday?

A. It would be very simple, by going over these cards and remembering that August 29th coming up so often was a Sunday.

Q. When did you learn first at this hearing that August 29th was a Sunday?

A. I don't remember the exact moment.

Q. You learned it by finding August 29th was marked Sunday on some particular card?

A. I think I made an answer to that already.
[402—313]

Q. Answer it again.

A. The fact that I found it by looking over these cards so often that are put before me and other things, August 29th, September this date, and September the other date, that it was Sunday and double time marked on it, and one could not miss seeing that, could he?

Q. Tell me whether you remember August 29th was Sunday, by seeing Sunday written on the card?

A. Just as I remember everything else on the cards. When these cards were made out I would check them off for Sunday if it was a Sunday or if it was a Monday or Thursday, or whatever date it was checked off.

(Testimony of Robert Adamson.)

Q. I hand you the card of the same man, William Boehle, dated August 31st, being part of the same exhibit, "Adamson No. 138," and ask you what there is on that date to enable you to speak for its verity in the particulars you have testified to on your direct examination?

A. I give the same answer, that I knew that man was working there, and passed on his card at the time.

Q. You recognize there is no check mark on the card?

A. No, sir, I do not see any check mark on it.

Q. I hand you the card of William Robertson, dated August 28th, 1909, being "Adamson Exhibit No. 140," and ask you what there is on that card that enables you now to speak for its verity in the particulars that you have testified to on your direct examination?

A. I make the same answer to that card.

Q. You recognize there is no check mark of yours on the card? A. No check mark on it that I see.

Q. I hand you the card of H. Strowenjans of date September 12th, 1909, being part of "Adamson Exhibit No. 16," and ask you what there is on that card that enables you at this time to speak for its verity in the particulars you have testified to [403—314] on your direct examination?

A. I recognize it by that man's handwriting, that that is written by himself, and the date on the card, and likewise as I see, a check mark on the card.

Q. Is it your check mark?

(Testimony of Robert Adamson.)

A. I see a check mark on it.

Q. Is it yours?

A. I guess it is my check mark.

Q. Will you please put a circle around it and mark your initials opposite the circle?

Mr. FRANK.—Q. Let me see it.

A. Right there (pointing).

Mr. McCLANAHAN.—Mark it underneath “R. A.”

Q. I hand you the card of J. L. Chandler, dated September 21st, being a part of “Adamson Exhibit No. 51,” and ask you what there is on that card that enables you at this time to speak for its verity in the particulars that you have testified to?

A. I recognize the card by the man’s name and his handwriting.

Mr. FRANK.—Q. Who is that, Chandler?

A. Yes, sir. I make the same answer in regard to that card as I did to some of the others, that I see that man’s handwriting every working day of the year at the present time.

Q. You recognize there are no check marks on that card?

A. No, sir, I did not notice any check marks on it.

Q. I hand you the card of Gus Albers, dated September 12th, being part of “Adamson Exhibit No. 51,” and ask you what there is on that card that enables you at this time to speak for its verity in the particular that you have testified to on your direct examination?

A. That card is the card of Gus Albers for that

(Testimony of Robert Adamson.)

date. He was working there at that time, and I verify that it was correct when I checked it off.

Q. I ask you what there was on the card that enables you to identify it. Please answer the question. [404—315]

A. The name and the date makes me recognize the card in connection with the man personally.

Q. You recognize there is no check of yours on the card? A. I did not look for that.

Q. Look.

A. No, sir, I do not see any check mark on it.

Q. I hand you the card of B. Materne, dated August 28th, marked "Adamson Exhibit No. 83," and ask you what is there on that card that enables you at this time to speak for its verity in the particulars that you have testified to?

A. I would say that the handwriting on the card would make me verify that card.

Q. You recognize there is no check mark of yours there?

A. I take so little interest in that check mark in verifying the card, that you must excuse me if I do not answer that every time. No, I see no check mark.

Q. No check mark?

A. I do not see any check mark on it.

Q. Mr. Adamson, at the time these cards were shown you on your direct examination, and at the time that you gave your testimony with reference to the verity of the hours, numbers and work done as shown by the cards, you had not before you any

(Testimony of Robert Adamson.)

of the respective clock cards of the men whose time-cards you were then examining, had you?

A. No, sir, not that I remember.

Q. In fact, you know nothing about the clock cards, and have so testified, have you not?

A. I know nothing about the totalling up of the cards, but the cards are now there, and by comparing the one thing with the other, which one is able to do you can make a comparison surely.

Q. Who kept the time, and who superintended the work of the men in your shop and in your department at night when you were not there, during August and September, 1909? [405—316]

A. I did so long as I was there until I went home.

Q. That is not answering my question.

A. I am not finished.

Q. All right; I beg your pardon.

A. I knew the job the men were working on and I could have a good idea how long it would take them to do it, and what amount of work they would put on it during the night that I was not there, so that I could verify whether they put the work on it or not.

Q. In other words, you were the night timekeeper for the nights when there was work being done, and you were not present in the shop?

A. It was not necessary that I should be present in the shop every hour of the day even during the day to know that a man was doing the work assigned to him. A man might be working two or three hours on a job and I might not see him although I was in the shop and I would check it off. It is just the

(Testimony of Robert Adamson.)

same in regard to this night work. I knew what he was working on when I left the job and I would know what amount of work was done, and the time it was finished.

Q. Whether it was necessary or not, please answer my question. Were you the night timekeeper when work was being done in the shop and you were not on duty?

A. It was my duty to check the time that was worked on these pieces even at night.

Q. When you were not there?

A. I never checked them off when I was at home; I always checked them off when I was at the works.

Q. The work that you checked off at night when you were not there, was work performed when you were at home, is that correct?

A. Yes, sir. I could not be expected to be there night and day [406—317] all the time.

Q. So that you had no other night timekeeper except yourself?

A. No, sir, not to my knowledge, not that I can remember.

Q. Mr. Adamson, do you remember what night work was done on the "Hilonian" in August and September?

A. No, sir, I could not specify any particular job that was done at that time on the "Hilonian" either night or day. It was too far back to carry my memory back to every little item done in the shop two years back.

(Testimony of Robert Adamson.)

Q. That is, you cannot say that there was any night work?

A. I can certainly say there was night work. There was night work all right.

Q. Did you work at night?

A. I worked part of the night many times.

Q. In August and September, 1909?

A. Yes, sir.

Q. You remember that distinctly, do you?

A. I know by my time-cards, when I was looking over the time-cards there, my time-cards and other things, I remember well enough working overtime during that big rush, when the rush job was in the works. Yes, I remember working overtime at that time.

Q. Mr. Adamson, do you know when this "Hilonian" job first came into the shop, what day of the month it was and what month?

A. No, sir, I don't remember at the present time.

Q. While it was in the shop were you in attendance during the whole period that the work was being done in the months of August and September? That is, were you there each day?

A. That is more than I can remember now, it is so far back. I cannot remember every little detail, whether I was there each day or night.

Q. Would your time-cards show whether you were there or not?

A. Probably they would. [407—318]

Q. Will you please examine your time-cards which I now show you, being "Adamson Exhibits 99, 100

(Testimony of Robert Adamson.)

and 101," and see if you can answer my question as to whether you were there during the period that the work was going on each day?

A. That does not help me out yet. I cannot tell whether all my time-cards are here or not.

Q. Will an examination of your clock cards help you?

A. I don't know. I have nothing to do with the clock cards. I have nothing to do with them. I do not manipulate them at all any further than I have testified as to the man's name and signature.

Mr. McCLANAHAN.—Mr. Frank, will you please produce Adamson's time-cards for September 5th, 6th, 7th, 18th, 19th, August 25th and 26th.

Q. Mr. Adamson, whether you are enabled to decipher the clock cards so as to answer my question with reference to your attendance on the work on the "Hilonian," the clock cards do state the days and all the time that you were in attendance on the shop, do they not?

A. That is entirely up to somebody else to answer that question. The time-card is what I have got to do with as far as I am putting in the time and checking up the time. As to checking up and totalling up the time on the clock cards let somebody else do that.

Q. I think you have misunderstood my question. You could not have worked in the shop any day without the clock cards showing that fact?

A. I cannot remember what days I was working, whether I was there every day, or whether I was away some days during that time, but I—

(Testimony of Robert Adamson.)

Q. Will you please answer my question?

A. Yes, sir.

Q. Read the question, Mr. Reporter.

(The Reporter reads the question). [408—319]

A. Well, it is not a general rule that one can be there, but it is quite possible for one to be at the shop and not punch his card, because that is sometimes overlooked, and under some conditions it is not done, at least under some special conditions. I don't know what they may be or what may cause it, but sometimes a man omits to punch his clock. I do not say that that was not punched under special conditions.

Q. Do you mean to convey the impression that the clock cards are not necessarily accurate as showing the fact of a man's presence in the shop at certain hours?

A. Every man has got to accept his clock card as correct when he signs his name to it, I guess, when he takes the wages given to him off of that card.

Q. Do you mean to say that you can under any circumstances work in the shop without touching the clock when you go in and punching it when you come out?

A. Yes, sir. There are certain things which I have tried to explain. A man may go in and forget to punch his clock.

Q. Did you ever go in and forget to punch the clock?

A. I cannot remember at the present time, but it is quite possible that it might be done.

(Testimony of Robert Adamson.)

Q. And you cannot remember that you have ever done it?

A. I cannot remember that I have ever done it, though I say it is quite possible. I do not remember any specific time that I may have done it.

Q. The probabilities are, however, that the clock cards for August and September show truthfully your presence or nonpresence at the shop by those marks?

A. It is probable that they show the correct thing done, the correct time punched. [409—320]

Q. Now, about the time-cards; do you ever do work and not turn in time-cards?

A. The time-cards were turned in all the time.

Q. You never work and fail to turn in time-cards?

A. No, sir, the time-cards should always be turned in.

Q. I notice Mr. Adamson, that some of your own cards bear a check mark. Will you please examine the time-cards of yourself contained in the exhibits I have referred to and tell me whose check mark that is that appears on some of your cards?

A. That is my own check mark. I check off my own cards in connection with the others, my time-cards the same as the others. I check them all off. When I go over the other cards I take mine along with me and check them so as to see that I put them down the same as other people. It is checked off at the same time.

Q. So you found it necessary to check off your own work?

(Testimony of Robert Adamson.)

A. I did not find it necessary. I did it through force of habit. I check every card. I would just pass on my own the same as the others. I suppose a man has a right to go over his own figures the second time to find out if he is correct. When he has compared it with the list, when he is checking off all the cards, he is entitled to put down any mark that he wants to.

Q. You notice also on some of the cards there is no check mark? A. That is quite possible too.

Q. Your own cards?

A. Under the same explanation. I did not bind myself to mark either one card or another, or all the cards. Just as the thing came over and I happened to have a pencil with me, I checked them off and marked them. If I did not happen to have a pencil I did not mark them. [410—321]

Q. Mr. Adamson, referring to your exhibit No. 101, being the time-cards sent in from August 30th, as follows: August 30th, August 31st, September 1st, September 2d, September 3d, September 4th, September 8th, September 9th, September 10th and September 11th, please examine the nature of the work shown on those cards and tell me whether that was work done on the surface-table. Designate what work of yours as shown by those cards was done on the surface-table. Any work on August 30th card?

A. That is no guide to my memory at the present time. These things all passed through my hands at the time they came into the shop, and I could not recall what special piece I worked on or what special

(Testimony of Robert Adamson.)

work I did on any piece at that time, but that was put down accurately as the time I worked on these pieces, and the numbers connected with them at that time.

Q. I am asking you now with reference to the card of August 30th, whether that work shown there was done on the surface-table or not?

A. It was done by me as part of my duty at the surface-table.

Q. At the surface-table?

A. I was at the surface-table. It was my duty to remain at the surface-table. That includes the duty of the stuff being brought to the man at the surface-table, delivered to him when it was first brought from the ship; they are ordered to take it up to the man at the surface-table. That is where it is landed; they get their orders to take it there first. I could have put down, instead of "machinist," I could have put down "surface-table," and all the work that was entered on there had a connection with the surface-table. I was the connecting link between the surface-table and the job.

Q. Can you tell me now with reference to the card of August 31st, whether any of that work was done on the surface-table or not? [411—322]

A. It was all done by me and I had a connection with the surface-table. I cannot recall any particular part, or what was done in any particular part now.

Q. Please answer my question, whether you can identify any of that work as having been done by you on the surface-table? A. I cannot recall it now.

(Testimony of Robert Adamson.)

Q. Then we will pass to the next card. September 1st, can you identify any of that work as being work done by you at the surface-table?

A. I make the same answer.

Q. I ask you the same question with reference to September 2d card?

A. I give the same answer yet.

Q. I ask you the same question with reference to September 3d again?

A. I give the same answer, but that was all work passed by me when I was at the surface-table, and it was correct when I did it and checked it off.

Q. I ask you the same question with reference to September 4th card?

A. I make the same reply to that.

Q. I ask you the same question with reference to September 8th card, whether it was work performed by you at the surface-table?

A. Yes, sir, all my work was done in connection with the surface-table at that time.

Q. You are evading my question Mr. Adamson, when you say in connection with the surface-table. I want to know whether the work was actually done by you at the surface-table or on the surface-table?

A. That is bringing it down pretty fine, two years back to recall. I am telling you distinctly I cannot remember any special thing that I did to any special piece at that time. I will verify that that card was properly made out according to the work I worked on at the time.

(Testimony of Robert Adamson.)

Q. Did you do any work on the surface-table yourself? [412—323]

A. Of course I did. It was my duty.

Q. Can you identify it?

A. I cannot identify any special piece at this time; all that time back.

Mr. McCLANAHAN.—With the possible further cross-examination with reference to the cards that I have asked you to produce, Mr. Frank, I have now finished with the witness.

Mr. FRANK.—Then we had better take an adjournment until 2 o'clock.

Mr. McCLANAHAN.—Will you have the cards then?

Mr. FRANK.—We will look for the cards.

Mr. McCLANAHAN.—All right.

(A recess was thereupon taken until 2 P. M.)
[413—324]

AFTERNOON SESSION.

ROBERT ADAMSON, recalled.

Mr. McCLANAHAN.—Did you get the time-cards, Mr. Frank?

Mr. FRANK.—No. Do you think there will be much more cross-examination, Mr. McClanahan, after you get the time-cards? I would like to take up my examination all at once.

Mr. McCLANAHAN.—I think there will be very little more cross-examination after I get those cards, the cards of September 5, 6, 7, 18, 19 and August 25 and 26.

Mr. FRANK.—What are you repeating them for.

(Testimony of Robert Adamson.)

We had them in the record this morning. Well, I would like to finish with this man this afternoon and get rid of him. I will go on with him.

Mr. McCLANAHAN.—I do not think my cross-examination is going to be very lengthy.

Redirect Examination.

Mr. FRANK.—Q. Mr. Adamson, this morning you were shown a card of Stimmel, under date of September 12, in Exhibit 8, and asked concerning the absence of the check mark upon that card. Now, I show you the entire Exhibit 8, composed of 10 cards, and ask you first whether you recognize Stimmel's handwriting? Just examine them. (Handing.)

A. (After examination.) Yes; I recognize that as Donald Stimmel's handwriting on these cards.

Q. How many cards did I say—8 or 10?

A. 10, I think.

Q. How many of those ten cards bear your check mark and how many are unchecked?

A. Before I answer you, did you say 10? I think there is surely more than that. There is 11 cards. I will [414—325] tell you how many I can see the check mark on here. There is 10 cards out of the 11 that have a check mark on.

Q. There are 10 cards out of 11 that have a check mark on? A. Yes, sir.

Q. Do you notice any difference in the handwriting on the unchecked card from the handwriting on the checked cards?

A. No, sir. They are written by the same man.

Q. Now, you were asked concerning the card of

(Testimony of Robert Adamson.)

John Wojdacki, dated September 21, Exhibit 7, as being unchecked. I call your attention to all of the cards in Exhibit No. 7, consisting of five cards, and ask you to examine them and state whether or not you recognize the handwriting of Wojdacki on those cards?

A. (After examination.) Yes; they are all written by the same man.

Mr. McCLANAHAN.—I object to the answer as being irresponsive to the question.

A. I will answer it in another way. They were written by the man whose name is on the top of this card.

Mr. FRANK.—Q. That is, you know his handwriting?

A. I know his handwriting, and these are all written by the same man, and I see—if you wish me to answer the question that I did—I don't know; you had probably better ask it again, the last part of the last question.

Q. I was just going to ask you about how many of those cards are checked and how many unchecked?

A. There are four with check marks on and one without check marks—out of the five.

Q. Your attention was called to the cards of P. Mockel under date of September 12 and September 21 and September 9—I do not see any September 9—September 12 and 21, Exhibit 6, as being [415—326] unchecked. I now pass you the exhibits consisting of 11 cards—I will put them together. Calling your attention to the cards dated September

(Testimony of Robert Adamson.)

12 and 21, of Exhibit 6, and September 9 of Exhibit 5, all being cards of P. Mockel. I now pass you both of said exhibits, consisting of 11 cards, and ask you to state, in the first place, whether or not you recognize the handwriting.

Mr. McCLANAHAN.—Do you care Mr. Frank, to state the materiality of this handwriting evidence?

Mr. FRANK.—I am not called upon to divulge my case any more than you would when I allowed you to go on helter-skelter.

Mr. McCLANAHAN.—I will have to make the objection to it as immaterial.

A. In answer to the first question, I will say I recognize his name as written by himself and I recognize his handwriting on all of these cards.

Mr. FRANK.—Q. Now, state whether or not the cards which do not bear check marks are in the same handwriting as the cards that do bear check marks.

A. They are in the same handwriting exactly, sir; written out by the same man himself.

Q. How many of them out of the two sets, the two exhibits, bear check marks?

A. 8 out of 11 bear the check mark.

Q. 8 out of the 11? A. Yes, sir.

Q. Upon your cross-examination your attention was called to a card of John Benson, September 21, Exhibit 3, as not bearing a check mark. I now hand you the entire exhibit, consisting of 5 cards, and ask you to examine them and state whether or not you recognize the handwriting on each of those cards? [416—327]

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—I note the objection that it is immaterial.

A. Yes; those five cards are all in the handwriting of John Benson.

Mr. FRANK.—Q. How many of them are checked? I mean bear the check mark. I do not mean “are checked,” but how many bear the check mark.

A. I think that four out of five of them are check-marked.

Mr. FRANK.—If it is just the same, I prefer not to go on any more this afternoon. It is very difficult for me to do so.

Mr. McCLANAHAN.—Are you feeling unwell, Mr. Frank?

Mr. FRANK.—Yes.

(An adjournment was here taken until Friday afternoon, August 25th, 1911, at 2 o'clock.) [417—328]

Friday, August 25th, 1911.

ROBERT ADAMSON, recalled for further re-direct examination.

Mr. FRANK.—Q. Mr. Adamson, in your former testimony, I believe it was on cross-examination, in describing your surface-table work, you spoke of laying off the work and placing lines on the work?

A. Yes, sir.

Q. Will you explain more in detail what that is?

A. Yes. When a job comes in from a ship, that the guides want to be planed off, before I send up the piece I will draw a line on that, file a line off the

(Testimony of Robert Adamson.)

face of the table, draw a line on that for the man that is going to machine it before it is delivered to the man who is going to machine it, or any similar piece of work that wants a particular amount off or alteration to it, I will make a line on it before I send it up to the machine. That is only part of my duties; that is one part of my duties in the shop, only to see that the thing is actually marked before the machine-man gets it.

Q. What do these markings indicate, that a certain portion of the piece is to be taken off?

A. Yes, it is wanted to plane off a piece, a guide; I will lay the line off on that, to plane that line.

Q. In order to lay that line, what do you have to do—gauge it in any way?

A. Put it down and put my rule on it, and put a surface gauge on it.

Q. What else is the nature of that work?

A. That is all the work—that is the general work that is done on that table, taken as a general thing, laying the lines off on the pieces before they are machined, to guide that man that is to machine them. There is no tool work of any kind in [418—329] connection with it, neither chiselling nor filing, nor anything else in connection with it.

Q. Is that what you mean by laying off the job?

A. Yes, that is what I mean by laying off the job.

Q. And on different pieces or different kinds of jobs it takes varying lengths of time, does it?

A. Yes, it takes time. I may not get it all finished just when I started in with it, for something

(Testimony of Robert Adamson.)

else might come in and I would have to leave off for probably a little while, and then go back on it, but it is on that table until I am finished with it, before it goes to the machine. I cannot stand constantly by it from the time I start until I finish it, but as a rule I can finish a job when I start with it before I leave—it takes some time, and often don't take so much time.

Q. And isn't that time that you charge up on your cards against the job that is occupied in doing these duties that you have mentioned?

A. That is part of the time charged on.

Q. And what is the rest of it?

A. The time that I am handling that job and paying attention to that special piece or pieces in connection with any given number. That is the time I charge up, whether it is finding numbers or pressing the numbers on or checking them up after they are finished or looking after the job while it is under way; in connection with the same number my time includes all these different parts.

Q. You were asked on your cross-examination whether you had seen these cards between the time that you passed them into the office and until you had seen them on this occasion, and you said no. By "this occasion" what did you understand to be meant, [419—330] the particular moment when you were being examined?

Mr. McCLANAHAN.—I object to that.

A. No, sir. At the time I saw them, when I came into this office-room here; from the time they

(Testimony of Robert Adamson.)

passed through my hands until the first time I saw them in this room, I have never seen them.

Mr. FRANK.—Q. Whether or not you had gone over and examined them in this room before you were called as a witness—I do not mean called as a witness, but before you were examined as a witness, state whether or not—

A. (Intg.) I understood that question which was asked at that time of me to mean from the time that I handed them over to the office until the time I saw them in this room for the first time.

Q. Well, did you see them in this room previous to the time of testifying?

A. No, sir, I never saw them until I was called here to testify in regard to them; except when the Court sits now, or as the inquiry sits now, as you see when everybody is here, I never saw them; likewise I did not know what I was going to do in connection with them when I came here, not the least understanding.

Mr. FRANK.—That is all.

Mr. McCLANAHAN.—Is that all your redirect examination?

Mr. FRANK.—Yes. Are you going to cross-examine him again?

Mr. McCLANAHAN.—Just as often as you give the opportunity, Mr. Frank.

Mr. FRANK.—I do not understand that procedure.

Mr. McCLANAHAN.—I would like to recross-examine him.

(Testimony of Robert Adamson.)

Mr. FRANK.—On anything that I bring out on my cross-examination that is new. [420—331]

Mr. McCLANAHAN.—On anything that you bring out.

Mr. FRANK.—I have not examined him on anything that has not been brought out pertinent to the cross-examination.

Mr. McCLANAHAN.—We will see.

Mr. FRANK.—Very well. I object to any further cross-examination on that ground. There must be some limit to it, some time to quit.

Recross-examination.

Mr. McCLANAHAN.—Q. Mr. Adamson, what is your shop number? A. 320.

Q. Was that your number in August and September, 1909?

A. As far as I remember, that would be my number for the last year—for the last year or two, as far as I can remember. That has been my number for the last two years, and that is my present number.

Q. Can you identify any of the men under you by their number?

Mr. FRANK.—Well, now, I object to that as nothing to do with anything that was brought out on redirect examination, and the cross-examination has proceeded to its finish, and unless you can advise me what the purpose of the present cross-examination is I shall ask that it be referred to the Court before proceeding further.

Mr. McCLANAHAN.—Simply, Mr. Frank, a pre-

(Testimony of Robert Adamson.)

liminary question which will appear to be material in the next question or two that I have.

Q. Answer the question, please.

A. I will answer the question.

Mr. FRANK.—Read the question to him.

(The last question repeated by the Reporter.)

A. Well, in beginning to answer that question, I will say that I don't in any way study the numbers of the men, the shop numbers. [421—332]

Mr. McCLANAHAN.—Q. Then you cannot identify any of the men by their numbers?

A. Well, maybe one or two I could identify, but as a rule I pay no attention to a shop number, whatever it is. It is the name of the man that is working in that department that I pay attention to, and the time-card.

Q. Well, you say you can identify one or two. What are they?

A. I might possibly do it, but I won't guarantee that I can at the present moment give you it offhand. I can soon do it if you give me the cards.

Q. Of course, if you can see the man's name.

A. And at the same time, I will tell you, in answering that question, that I paid no attention to the shop numbers whatever. That is a thing that I paid no attention to. It is the man's name that I pay attention to, and the time-card. It is no part of my duty to remember his shop number. That is not my duty at all. I have my own number to bear in mind, and that is a thing that particularly concerns me in that line.

(Testimony of Robert Adamson.)

Q. You have identified on your redirect examination yesterday afternoon, some cards by the handwriting which you find on them; is that not so?

A. Yes, sir.

Q. Which cards had the man's name on, did they not? A. I guess they did.

Q. What is that? A. I guess they did.

Q. Well, it was through seeing the man's name that you were able to identify the handwriting, was it not?

A. I can identify the handwriting on the time-cards that were shown to me.

Q. Without seeing the name?

A. Well, the card is there that I was asked to identify the handwriting on, and I identified it.

Q. Answer the question: you identified the handwriting on the [422—333] card because you saw the name at the head, did you not?

A. I can identify some of the men's handwriting without seeing the time-cards. If I was to get the handwriting independent of the time-cards I could identify them.

Q. I am speaking now of the cards that you identified yesterday afternoon. You identified them because you saw the man's name at the head?

A. Well—

Q. (Intg.) Is that not so?

A. You show me the card or give me the number of the card that I identified and I will tell you if I can identify that card by the handwriting.

Q. Now, Mr. Adamson, I will have to insist that

(Testimony of Robert Adamson.)

you answer my question: that is, you identify the handwriting on the card because you saw the man's name at the head; is that not so?

A. Whose handwriting do you want me to identify?

Q. Will you answer my question? You identified those cards yesterday afternoon because you saw the man's name at the head of the card; is that not so?

A. Well, I will answer that I could identify those cards that I verified yesterday, the handwriting of those men.

Q. Without the names?

A. Without the names; I think I could manage to identify them without the name at all.

Q. You are sure the name had nothing to do with them?

A. No, sir, I would know the handwriting, as a rule, the handwriting of these men that I was asked to identify the time-cards of—the handwriting of these men has passed by me day after day, to this day, for years.

Q. And you are enabled to identify the handwriting of those particular men without the names?

A. Yes, a great many of the men in the shop, without the name, I can probably identify them without seeing the names to the [423—334] cards.

Q. I am talking about the men that you identified yesterday? A. I answered you in regard to that.

Q. That you can identify them without the names?

A. Yes, I think I could identify them without the names.

(Testimony of Robert Adamson.)

Mr. FRANK.—Do not separate those cards; do not take them off of the files.

Mr. McCLANAHAN.—They will be taken care of, Mr. Frank. They are not introduced in evidence on the files.

Mr. FRANK.—That is the purpose of putting them on the files. Cover up the names all you want to, but do not take them off of the files.

Mr. McCLANAHAN.—We will cover up the names.

Q. Now, Mr. Adamson—

Mr. FRANK.—(Intg.) Leave them on the file and cover them up all you want to.

Mr. McCLANAHAN.—All right. I will have to conduct my examination in my own way. Those cards are a part of the records of this case.

Mr. FRANK.—So they are.

Mr. McCLANAHAN.—And I shall use them as I see fit.

Mr. FRANK.—The purpose of putting them on the files is to keep them together, so that they will not become mixed up or lost.

Mr. McCLANAHAN.—I give you my word that there will be no mixing up or losing of the cards, and what is done with them will be done in plain view.

Mr. FRANK.—Done what?

Mr. McCLANAHAN.—In plain view. I am not attempting to mix the cards. Read me the last question before the interruption, [424—335] Mr. Reporter.

(Testimony of Robert Adamson.)

(The last question repeated by the Reporter.)

Q. Did the name which you saw on the cards which were given to you yesterday have anything to do with your identification of the handwriting?

A. Well, I identified the whole card that was put before me, them and the other handwriting too, I guess; I took a general view of the card. I would think that when the name was there, that it would surely be part of the identification of it.

Q. Isn't it the fact, Mr. Adamson, that the name was the sole guide to you in the identification of the handwriting on the cards? A. Not in every case.

Q. I am speaking of the cards you examined yesterday; was it not the sole guide?

A. Well, as I say—oh, the sole guide?

Q. Yes.

A. Well, I will say that yesterday while they were before me, it would be partly a guide.

Q. Answer my question; was it not the sole guide?

A. I have answered it as far as I can understand. I am not going to tell myself or say anything to myself that I know that is not—that was not in my mind at the time.

Mr. FRANK.—He said it was partly a guide. That is an answer to your question.

Mr. McCLANAHAN.—I understand very well what he said. That is not an answer to my question.

Q. Was it the sole guide?

A. I am telling you, to say that it was either the sole or not the sole guide, I would not be telling the truth to myself or anybody else, because it was there

(Testimony of Robert Adamson.)

before me at the time, and I cannot tell you what was passing in my mind at the time. [425—336]

Q. Are you aware, Mr. Adamson, that in your prior testimony in this case, you have identified some of the cards that have been introduced in evidence here, by the handwriting? A. Yes, sir.

Q. You remember that, do you? A. Yes, sir.

Mr. FRANK.—How are you taking those cards out so as to get them back again?

Mr. McCLANAHAN.—I told you I guaranteed to put them together in the same place.

Mr. FRANK.—I think I have a right to make that inquiry.

Mr. McCLANAHAN.—I have answered it once before.

Mr. FRANK.—No, you have not.

Mr. McCLANAHAN.—We have the file; we know where to put these cards. It would be a very poor system if you could not take a card out and put it back in its place.

Q. I hand you the card of a man whose shop number is 329, and I cover up on the card the man's name at the top, leaving the body of the card with the man's handwriting on.

Mr. FRANK.—Let me look at it please.

Mr. McCLANAHAN.—I am not offering anything in evidence.

Mr. FRANK.—I object to the question—I have a right to see the card so as to object to it. I have a perfect right to see it.

The WITNESS.—The number is nothing to me—

(Testimony of Robert Adamson.)

Mr. FRANK.—(Intg.) One moment. This is my part of it. I have a right to see that before the witness answers it.

Mr. McCLANAHAN.—You have a right to see this card before the witness answers?

Mr. FRANK.—I have a right to see the manner in which you present that to the witness. [426—337]

Mr. McCLANAHAN.—I will show you the manner (showing).

Mr. FRANK.—I have a right to see the card.

Mr. McCLANAHAN.—For what purpose?

Mr. FRANK.—To inspect it.

Mr. McCLANAHAN.—It is already in evidence.

Mr. FRANK.—I understand that.

Mr. McCLANAHAN.—Do you mean to say I cannot examine this witness on a document already in evidence without your inspection of that document?

Mr. FRANK.—Not in the manner in which you have readjusted the document. If you give him the whole document very well.

Mr. McCLANAHAN.—I am going to give the whole document, with the name on the top covered up.

Mr. FRANK.—Why shouldn't I see it before you hand it to the witness?

Mr. McCLANAHAN.—You have no right to see it.

Mr. FRANK.—I shall object to any further cross-examination on this line until that matter is decided. I think I have a right to see it.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—What do you wish to see it for? You introduced it in evidence it is your card.

Mr. FRANK.—I am not going to argue with you. I insist upon my right to see that card.

Mr. McCLANAHAN.—Well, Mr. Adamson, suppose you step outside a moment, will you, while Mr. Frank examines the card?

Mr. FRANK.—What for? I object to that. I would like to know what you mean by that.

Mr. McCLANAHAN.—I would like to know what you mean by wanting to see the card.

Mr. FRANK.—I want to see the card because it is my right to see it. If we were in court, I would see it. [427—338]

Mr. McCLANAHAN.—The Court would not allow you to see the card for a minute.

Mr. FRANK.—It would.

Mr. McCLANAHAN.—Not for a second. It is your own exhibit that I am examining your witness on.

Mr. FRANK.—You are not examining the witness on it in the form in which it is put in evidence.

Mr. McCLANAHAN.—I would like to know why. I have put something over the name of the man at the top of the card.

Mr. FRANK.—I will not argue it with you further.

Mr. McCLANAHAN.—I insist upon the witness answering and without your seeing the card.

Mr. FRANK.—I will not argue it.

(Testimony of Robert Adamson.)

Mr. McCLANAHAN.—You can see the card; I will show it to you, but I do not want you to handle it.

Mr. FRANK.—I would like to know why I can't handle it.

Mr. McCLANAHAN.—Do you want to see the name of the man?

Mr. FRANK.—I am not giving you my purpose. You are not entitled to know my purpose.

Mr. McCLANAHAN.—If you will tell me you will not look at the name of the man—

Mr. FRANK.—What do you mean?

Mr. McCLANAHAN.—I mean exactly what I say.

Mr. FRANK.—What do you mean by suggesting if I not look at the name of the man?

Mr. McCLANAHAN.—What do you want it for?

Mr. FRANK.—Do you think I want it in order to destroy it?

Mr. McCLANAHAN.—I cannot imagine what you want it for.

Mr. FRANK.—Then give it to me. [428—339]

Mr. McCLANAHAN.—Will you not look at the name?

Mr. FRANK.—I will look at the name. I have a perfect right to identify that card.

Mr. McCLANAHAN.—I can give you the names of the men and you could have found it out by just referring to the files, if that is all you want.

Mr. FRANK.—I do not want it for the sole purpose of looking at the man's name.

Mr. McCLANAHAN.—That is the most remark-

(Testimony of Robert Adamson.)

able request of yours that I ever heard of, Mr. Frank.

Mr. FRANK.—That is the most remarkable proceeding I ever heard of.

Mr. McCLANAHAN.—Do you say you want to look at the name?

Mr. FRANK.—I want to identify the card and I have a perfect right to do so.

Mr. McCLANAHAN.—All right. I will let you identify the card then. (Handing a card to Mr. Frank.)

Q. Now, Mr. Witness, please tell me whose card that is.

Mr. FRANK.—One moment. I object to that upon the ground that the exhibit is not being presented to the witness in the form in which it was presented in evidence, and that the man's name upon the card, as the man's signature is one of the best evidences of the handwriting of the man, and it is no test of the memory of the witness' handwriting of a man to disassociate the signature from the card itself.

Mr. McCLANAHAN.—Q. Whose handwriting is that, Mr. Adamson?

A. (After examination.) Well, I think, and I give my answer with the same reservation, I think that is John Wojdaeki's handwriting. [429—340]

Mr. FRANK.—Let me see that.

Mr. McCLANAHAN.—Wait a moment. I will ask that the covering of the card shown to the witness be marked as an exhibit in this case, "R. A. No. 142."

Mr. FRANK.—I make the further objection that

(Testimony of Robert Adamson.)

the cards presented to the witness yesterday were cards that were already admitted to be true, with cards that were questioned, and that it was the comparison between the two to which the witness is entitled. Now, let us see whose card that is.

Mr. McCLANAHAN.—Do not interrupt my examination, please.

Q. I hand you a card covered in the same way, that is, the handwriting at the top is covered; it is the card of the man whose shop number is 530, and I ask you what his name is?

Mr. FRANK.—Just one moment. Has the other card been marked?

Mr. McCLANAHAN.—It is going to be marked.

Mr. FRANK.—Let it be marked.

(The card is marked "R. A. No. 142.")

Mr. FRANK.—Now, place the card in it. What are you doing?

Mr. McCLANAHAN.—I am waiting for the witness to answer my question.

Mr. FRANK.—I object to the question upon the same grounds as I did the last one, that the card is not being presented to the witness in the form it originally was, and that the material portion of it is being covered up, and neither of the other cards that were presented at the same time for comparison were presented to him.

A. Well, I will make this answer, that in the form in which the card is presented to me I will not verify it.

Mr. McCLANAHAN.—Q. You cannot identify

(Testimony of Robert Adamson.)

the handwriting on the card of the man whose shop number is 530? [430—341]

A. I say that in the form in which the card is presented I will not verify it; that is all.

Q. All right. I hand you—

Mr. FRANK.—(Intg.) If there is going to be an identification of these things—

Mr. McCLANAHAN.—(Intg.) Q. I hand you—

Mr. FRANK.—(Intg.) One moment. I protest and ask that this thing proceed regularly or not at all. You have got one card already marked, but you have not put it back into the folder. You are holding it out in your hand, and the folder is marked for identification. The other card is not marked for identification at all.

Mr. McCLANAHAN.—Don't you know that the shop number identifies it?

Mr. FRANK.—The shop number may or may not. I do not know anything about that at all.

Mr. McCLANAHAN.—I will give you all the cards when I have finished with the witness.

Mr. FRANK.—That does not answer the purpose.

Mr. McCLANAHAN.—It will have to answer the purpose, Mr. Frank.

Q. I show you the card of a man whose shop number is 327, with the name of the man covered at the top, so that you can only see the handwriting on the body of the card, and ask you whose card that is, or, rather, whose handwriting it is?

A. Well, I will make the same answer that I made to the last, that under the present form in which it

(Testimony of Robert Adamson.)

is shown to me, I decline to verify anything about it.

Q. I hand you the card of a man whose shop number is 328, with the name of the man at the top covered but the body of the card, [431—342] the handwriting on the body of the card fully revealed, and ask you whose handwriting that is (showing).

Mr. FRANK.—The same objection.

A. And the same answer.

Mr. McCLANAHAN.—Q. I hand you the card of a man whose shop number is 531, with the name of the man at the top covered up, the body of the card showing the handwriting of the man disclosed, and ask you whose handwriting that is (showing).

A. I make the same answer. In connection with that, I may say that I already stated that I verified all these handwritings by the whole card that was shown to me, which probably would be suggestive to me in that line, so that in connection with taking them separately, I reserve to myself the right whether I identify them now for you.

Q. I show you the card of a man whose shop number is 347, with the name of the man covered up, but the body of the card showing the handwriting of the man fully disclosed, and ask you whose handwriting that is (showing).

Mr. FRANK.—The same objection.

A. The same answer.

Mr. McCLANAHAN.—Q. I hand you the card of a man whose shop number is 304, with the name of the man at the top covered up, but the body of the card showing the handwriting of the man fully re-

(Testimony of Robert Adamson.)

vealed, and ask you whose handwriting that is.

A. I will give you the same answer.

Q. Mr. Adamson, you recognize that the method of covering up all of these cards that I have shown you is the same as the method employed in covering up card 329, the cover of which has been introduced as "R. A. Exhibit 142." A. Yes, sir.

Q. That is correct, is it? [432—343]

Mr. FRANK.—I don't know as that is a question for the witness.

Mr. McCLANAHAN.—Q. Answer the question. Read that question to him.

(The last question repeated by the Reporter.)

Mr. FRANK.—You can argue to that effect if you want to, Mr. McClanahan.

Mr. McCLANAHAN.—Q. Answer the question, Mr. Adamson.

A. I will ask that it be read again.

(The last question again repeated by the Reporter.)

A. All have been shown the same way.

Q. The same method in covering up the signature?

A. Yes, as far as I can see.

Q. Mr. Adamson, do you know why Mr. Frank discontinued his examination of you as to your knowledge of the handwriting on these different cards, the examination which was commenced yesterday afternoon? A. No, sir, I do not.

Q. You do not. There was no need for it was there, that you know of?

A. I heard Mr. Frank say he was feeling unwell

(Testimony of Robert Adamson.)

yesterday and he would not continue the session, and I heard no more.

Q. I ask you now, do you know why he did not continue your examination on those lines this afternoon?

A. I don't know anything in connection with this, but what goes on before the whole lot here. I do not suppose that any man here would take advantage of any other in that respect.

Q. Mr. Adamson, if Mr. Frank had continued his examination you could have equally as well have answered as to the handwriting on other cards, could you not?

A. That is a matter whether I answer that or not.
[433—344]

Mr. FRANK.—I object to that.

A. (Continuing.) There were no more cards presented to me.

Mr. FRANK.—One moment, Mr. Adamson. Wait until I get my objection in. I object to that. That is attempting to cast a reflection upon me in this examination.

Mr. McCLANAHAN.—It is not intended as such.

Mr. FRANK.—Because I have not conferred with the witness. If you want to know, I never conferred with the witness about it. My reason for doing so you will find out hereafter.

Mr. McCLANAHAN.—I should like to know. That is the reason I am asking the witness.

Mr. FRANK.—Why didn't you ask me?

Mr. McCLANAHAN.—I could not get it from you.

(Testimony of Robert Adamson.)

Mr. FRANK.—You will find out in due time.

Mr. McCLANAHAN.—I am trying to get it from the witness; he does not know.

Mr. FRANK.—That has nothing to do with any fear of being able to make the identification. To any person speaking of handwriting the name is a guide and ought to be a guide. It is a most characteristic part of a man's handwriting.

Mr. McCLANAHAN.—Q. Mr. Adamson, the four names, or the cards, rather, that were handed you on yesterday, are not the only ones that you can identify the handwriting of in the exhibits that have been introduced here, are they?

A. Show me the cards and I will tell you.

Mr. FRANK.—They are not, because yesterday, when you were examining him, he told you a half a dozen times he knew the man's handwriting that came before him year in and year out.

Mr. McCLANAHAN.—Q. Is that the only answer you can make?

A. I just make the answer that Mr. Frank has put in my [434—345] mouth, that I know these men's handwriting when their card is put before me, their full card, as I am accustomed to see it. I can generally recognize the handwriting of the men, with the full card; that is the way I am accustomed to getting these cards, not with the name covered up, or any particular portion covered up, but I always get the card put straight down before me with the full name appearing, jobs and everything on them.

Mr. FRANK.—I presume, Mr. McClanahan, I can

(Testimony of Robert Adamson.)

see these cards you have covered up?

Mr. McCLANAHAN.—Certainly. I will put them back if you insist upon it, in their proper order.

Mr. FRANK.—I will put them back when I get done with them.

Mr. McCLANAHAN.—Q. I have not had full opportunity to examine all these time-cards which I would like to have done, in order to have cross-examined you, Mr. Adamson, but I discover a change in red ink on your card of September 20th, on a part of your exhibit No. 99—

Mr. FRANK.—(Intg.) One moment; I object to that—

Mr. McCLANAHAN. — (Continuing.) Q. The same being from No. 5295 to 5318. I would like to ask you, Mr. Adamson—

Mr. FRANK.—(Intg.) One moment.

Mr. McCLANAHAN.—Wait until the question is finished.

Q. I would like to ask you, Mr. Adamson, your explanation of that change.

Mr. FRANK.—One moment now. I make the first objection to that question and the statement that he has not had the opportunity to examine the cards—you have had them in your possession all yesterday afternoon, last night and most of this morning.

Mr. McCLANAHAN.—That is not quite my statement. I said [435—346] as fully as I should have liked to.

(Testimony of Robert Adamson.)

Mr. FRANK.—Now, let us have the rest of that question.

(The last question repeated by the Reporter.)

Mr. McCLANAHAN.—Before you go into that question—

Mr. FRANK.—(Intg.) Wait one moment until I get my objection to the former examination for you.

Mr. McCLANAHAN.—Answer the question.

Mr. FRANK.—No, just one moment.

Mr. McCLANAHAN.—Mr. Frank, do you recognize that you are delaying the proceeding?

Mr. FRANK.—I recognize I have a proper right to delay it in regard to these exhibits that you have put in evidence, and put my objection to them at the time before you proceed further on another subject.

Mr. McCLANAHAN.—I am not examining the witness on these exhibits.

Mr. FRANK.—No, but you have been.

Mr. McCLANAHAN.—I will give you plenty of time when I have finished my examination of the witness, to look them over.

Mr. FRANK.—I am going to formulate my objection now to these exhibits.

Mr. McCLANAHAN.—All right.

Mr. FRANK.—Which I have a perfect right to do.

Mr. McCLANAHAN.—There is no question before the witness.

Mr. FRANK.—It does not make any difference. Just one moment. Now, I object to these exhibits upon the ground—

Mr. McCLANAHAN.—Excuse me; what exhibits

(Testimony of Robert Adamson.)

do you refer to?

Mr. FRANK.—The alleged handwriting tests.

Mr. McCLANAHAN.—I have not offered any exhibits excepting [436—347] the envelope cover for the signature.

Mr. FRANK.—Well, I object to the test and move it all be stricken out upon the ground that four of the seven exhibits were cards presented to the witness for identification in cases in which he was not upon his redirect examination asked to identify, in two of which he was, and the first one that the witness stated correctly the name of the man attached to the card.

Mr. McCLANAHAN.—Do you care to identify the cards that you refer to as not having been testified to?

Mr. FRANK.—I did not say they had not been testified to. I stated that he had not been asked on direct examination as you stated, by me, to identify the handwriting on those cards.

Mr. McCLANAHAN.—All right. We will not quarrel over that. Answer the question, Mr. Adamson.

Mr. FRANK.—What is the question?

(The last question repeated by the Reporter.)

Mr. FRANK.—This is again reopening the original subject, isn't it? If it is confined to the single question, I have no objection to it, but I object to starting in again at the beginning and re-examining the witness.

Mr. McCLANAHAN.—I just want his explanation of this change, Mr. Frank.

A. Well, I will give you the same explanation as

(Testimony of Robert Adamson.)

I have given to other cards, that this card came up to me, to be checked off, and when I was rechecking it, or checking it off before I handed it over to the office, I found that the wrong number had been placed against that piece, probably that the card was written out when I did not have the list before me, and when I [437—348] came to check it up I found the wrong number on it, I found it was wrong.

Q. Do you appreciate that this is your own card that you are speaking of? A. My own card.

Q. That you put down 5-2-9-5 on it originally?

A. Yes, sir. And as I came to check it off, I made a rule, as I have said before, that I check my own card and any other card coming up for checking—I did not pass one card as a rule; I went over all the cards. If I found any card that did not tally with the number on the job with which they were done, they were rectified by me. That is the explanation I give in regard to that card.

Q. You recognize that there is no check mark on that card?

A. I recognize my own card, sir, and I know that I checked up all these shop cards, as a rule.

Q. Mr. Adamson, one more question, and I think I have finished with you—temporarily, at least: I hand you the card of John Wojdacki, dated September 15, 1909, being a part of “Adamson Exhibit 7,” on which appears on the first line of the body of the card the following: “5378. 5 hours work piston for ‘Ranger,’ ” and ask you if that does not refresh your recollection now so that you can state whether

(Testimony of Robert Adamson.)

or not the "Ranger" was at the shop of the United Engineering Works when the work on the "Hilonian" was going on.

A. No, sir. I have answered that question already, and I don't remember whether the "Ranger" was at the shop at that time or not. I could not tell you.

Q. Now, Mr. Adamson, you have checked over that card? A. Yes, sir.

Q. And you did check it over at the time it was passed in, did you not? [438—349]

A. Yes, I did.

Q. You found the word "Ranger" after the entry for the piston, did you not?

A. At the time that I checked that card over, that card was found to be correct as it now stands.

Q. So that the "Ranger" was there at that time?

A. I cannot verify—I could not recall the "Ranger" or any other boat.

Mr. FRANK.—I object to your arguing with the witness. If he says that is correct, you can make what argument you please from that.

Mr. McCLANAHAN.—Q. So this card, Mr. Adamson, with the word "Ranger" on it in parentheses, does not enable you now to say that the "Ranger" was at the United Engineering Works on September 15th, 1909? A. Well, I say—

Mr. FRANK.—(Intg.) One moment. I object to that. That is not an entry made by the witness himself, and not a proper thing to put before a witness and call upon him to refresh his recollection by. He

(Testimony of Robert Adamson.)

has already testified that the card was right at the time, that he has no present recollection of the "Ranger" being there at that time. It is further objected that it is immaterial whether the "Ranger" was there or was not there at that time.

Mr. McCLANAHAN.—Answer the question.

(The last question repeated by the Reporter.)

A. I make the same answer as I did before, that when I examined that card and checked it off at that time it was correct—when I checked it off, as I said before.

Mr. McCLANAHAN.—Q. At that time you know that there was work on the piston for the "Ranger"?
[439—350]

A. At that time I checked off that card as being correct.

Q. Well, answer my question: You knew at that time that there was work done on the piston for the "Ranger"?

A. Well, I know I went over the card at that time and what was marked on the card and checked off was correct, as I left the card.

Mr. McCLANAHAN.—Take the witness, Mr. Frank, on new matter brought out.

Mr. FRANK.—It is not worth considering; mere child's play. I have no occasion, no necessity to do it, to make myself a party to it. Just return those cards, Mr. McClanahan, to their proper places.

[Testimony of George Allen, for Libelant.]

GEORGE ALLEN, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Allen, what is your business? A. Blacksmith.

Q. Blacksmith in the employ of the United Engineering Works? A. Yes, sir.

Q. How long have you been in their employ?

A. Five years yesterday.

Q. What position did you occupy during that time? A. Foreman blacksmith.

Q. Foreman blacksmith? A. Yes, sir.

Q. Are you the head of the blacksmith-shop?

A. Yes, sir.

Q. And all the men in the blacksmith-shop are working under you? A. Yes, sir.

Q. When you are doing work in the shop, state whether or not you are in the position to oversee the work of all the men in the shop.

A. Yes, sir. [440—351]

Q. Do you keep the time of the men in your department? A. I verify their time every night.

Q. I understand that, but during the day how do you keep the time?

A. Why, each fire or each man has a blackboard, and when I give him a job to do, I give them the number of the job, the articles to be made, note the time when he starts on the job and when it is finishing.

Q. State whether or not you have a clock, Mr. Allen, for that purpose.

A. Well, we have a clock, or a watch, the same ished.

(Testimony of George Allen.)

Q. And what part does the blackboard perform in that matter?

A. Well, he puts down his time when he starts on the job, and when he finishes it, on the blackboard.

Q. On the blackboard? A. Yes, sir.

Q. What do you do with reference to noting it when it is put down on the blackboard, to when he stops?

A. Well, that is part of the work, to put down the number, showing that the work is done, and then at night when the time-card is made out I verify the time.

Q. Verify the time?

A. Yes, to show it is correct.

Q. Do you check up the cards of your men at night?

A. Every night before I leave the shop.

Q. Before you leave the shop? A. Yes, sir.

Q. With respect to the material used in your shop, what do you have to do, with respect to keeping track of it?

A. Yes. If I were given a blue-print from the head of any department, I would go over the blue-print and see what material I wanted; I would go to the rack and show the man that was going to do the work the materials. He would take it out and execute the order. [441—352]

Q. How about ascertaining the weight?

A. After the work is all finished, they call my attention to it, that the job was done, and we would take it into the machine-shop and put it on the

(Testimony of George Allen.)

scales; if I did not go myself with it, Mr. Adamson would weigh it and return the weight to me.

Q. How long have you been engaged as a blacksmith, Mr. Allen?

A. Well, I am almost ashamed to tell.

Q. Well? A. All my life.

Q. How long is that?

A. Well, I have been a blacksmith now 40 years—39 years the 11th of last July.

Q. In the course of your—

Mr. McCLANAHAN.—Q. (Intg.) What are you ashamed about, Mr. Allen?

A. I might probably have done better. I might have followed some other business and made more money and not worked so hard.

Q. You might not have had good health?

A. I have been very fortunate in that line. I have never been sick a day in my life.

Mr. FRANK.—Q. Let us get back to the question. In the course of your experience, Mr. Allen, as a blacksmith, what can you say of the skill acquired in knowing the weights of different pieces from an inspection of them?

A. Do you want me to go into detail about iron, how it should look in case it should be broken or anything of that kind?

Q. No, the weight of it. A. The weight of it?

Q. Yes.

A. That is, you would like me to tell how we can figure the weight without putting it on the scales?

Q. First, you may tell us whether or not you have

(Testimony of George Allen.)

acquired skill so that you can tell the weight without putting it on the scales?

A. Well, yes. A foot of iron a foot square [442—353] should weigh 380 lbs. weight. Now, by taking that rule we can get any size, any weight of iron we see; that is, square iron. If it was a piece of round iron we would square the diameter, divide by 6, and that would give me the lineal weight of a foot of iron in any size, you see.

Q. Now, you have said that if you did not go with it it would be weighed by Adamson? A. Yes, sir.

Q. What was your practice, whether to go with it, or not?

A. Well, that would all depend on circumstances. For instance, if a man would come to me and he would say—must I go into details this way, tell you what happened—must I or must I not?

Q. Well, I do not want to have any unnecessary details, but I want to have sufficient to make plain the manner in which the weights upon your cards here have been ascertained in this case.

A. If a man would say to me, “Mr. Allen, I am going to weigh this, will you go along?” if I was standing by in the shop, steaming wet, I would not go. I would say, “You go in and weigh that, and Mr. Adamson will give you the weight and bring it back to me.” Now, on the other hand, if it would happen that I was not steaming wet—everyone is apt to perspire, you know—why, I would go with him.

Q. Well, in the case where the weight was brought back to you in the manner you have just

(Testimony of George Allen.)

suggested, would you verify it in any way?

A. I would not have any necessity to do anything of the kind. Mr. Adamson would give me the weight; he is the man who puts it on the blackboard, and when he would fill out his card, he would put his weight opposite the time, and he would have the stub—you cannot call it the stub because it was not taken from any regular book, it was simply taken from [443—354] a piece of paper.

Q. I show you a card now of G. Martioli, of September 24, and it is marked “Adamson Exhibit 22½.” A. Yes, sir.

Q. I ask you whether or not that man worked in your department at the time indicated on that card.

A. Yes, because it is signed by me.

Q. Well, was the card checked up by you?

A. Yes, sir.

Q. As correct? A. Yes, sir.

Q. And known by you to be correct at the time?

A. Yes, sir.

Mr. McCLANAHAN.—Is that exhibit 21 or 20?

Mr. FRANK.—That is Exhibit 22½.

Q. How did this man happen to be working in your department on that day, do you know, Mr. Allen?

A. The chances are that I was shy a man that day, and then I had to go and borrow one—I cannot go out on the street and get one, so I generally go in and ask Mr. Adamson to give me a man, and as a rule he gives me that man.

Q. Then the man was working under your super-

(Testimony of George Allen.)

vision and your time? A. Yes, sir.

Q. And you checked up his card and handed it in as correct? A. Yes, sir.

Q. What does that mean "Helping B. Smith." Is that a man's name?

A. No, that is helping the blacksmith.

Mr. FRANK.—We will have to have another exhibit mark so as to identify it with his testimony. We will call that "Allen No. 1."

(The card is marked "Allen No. 1.")

Q. I now show you a card of A. Beaton.

A. Archie Beaton. I always knew the man.

Q. Archie Beaton? A. Yes, sir. [444—355]

Q. Spelt B-e-a-t-o-n?

A. I don't know. Maybe; maybe it is Beaton.

Q. Of September 10th, and ask you to examine that card and see whether you identify it as the card of a man working under you at that date.

A. That card is correct.

Q. By that you mean it is a card of a man that was working under you at that time?

A. Yes, sir.

Q. That you checked it up? A. Yes, sir.

Q. And knew it to be correct at that time?

A. Yes, sir.

Q. I notice on the right-hand corner of the card under "Piece number" two figures, "15" and "16." What does that mean? A. That is the weight.

Q. That is the weight of the material used?

A. Yes, sir.

Q. On that work? A. Yes, sir.

(Testimony of George Allen.)

Mr. FRANK.—We ask that that be marked “Allen No. 2.”

Mr. McCLANAHAN.—I object to that offer as being incompetent, irrelevant and immaterial, hearsay, self-serving, and not binding on the respondent. I want to make the same objection to “Allen No. 1,” although I think I made the same objection when it was introduced as “Adamson No. 22½.”

(The card is marked “Allen No. 2.”)

Mr. FRANK.—Q. By the way, Mr. Allen, before I go farther, I will ask you whether or not this system of entering on the card and checking up by you is the usual method of keeping the time on these cards in your department. A. Yes, sir.

Q. And in the evening, after you have checked them up, what do you do with them?

A. I hand them in to the timekeeper.

Q. In to the timekeeper? A. Yes, sir.

Q. Do you check them up with the timekeeper?

A. No, sir.

Q. Well, when there are changes to be made on the face of them, [445—356] how do you make those changes?

A. If the timekeeper should discover any error in that, he would come in and ask me where I got that number; I would tell him the man who gave it to me; he would go and find that man and then if there was any changes, of course he would change it to get the right number.

Q. Would you have anything to do with suggesting what the right number was? A. No, sir.

(Testimony of George Allen.)

Q. You would not? A. No, sir.

Mr. FRANK.—There is the clock card of Beaton. Mark that “A. No. 2.”

(The clock card is marked “A. No. 2.”)

Q. I now show you the card of Tom Campbell, under date of September 14, and ask you if that is the card of a man that was working under you at the date there indicated. A. Yes, that is correct.

Q. You checked up that card? A. Yes, sir.

Q. And knew it to be correct at the time?

A. Yes, sir.

Q. It was handed in? A. Yes, sir.

Q. I notice there is such a change to 5346?

A. Well, at that time when that went into the office the timekeeper, he saw that number was wrong, which I had every reason to suppose was right, and before he changed that he called my attention to it and he changed it up.

Mr. FRANK.—Mark that “Allen No. 3.”

Mr. McCLANAHAN.—I object to it as incompetent, irrelevant, immaterial, self-serving, hearsay and not binding on the respondent.

(The card is marked “Allen No. 3.”) [446—357]

Mr. FRANK.—Q. I now show you Tom Campbell's card of September 15, and ask you if that is the card of a man working under you at that time.

A. Yes, that is correct.

Q. Known by you to be correct at the time you checked it up? A. Yes, sir.

(Testimony of George Allen.)

Mr. FRANK.—I ask that that be marked “Allen No. 4.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 4.”)

Mr. FRANK.—Q. I now show you a card of Tom Campbell of September 20, and ask you if that is the card of a man working under you at that time, and whether it was checked up by you and known to be correct at that time. A. Yes, sir.

Mr. FRANK.—I will ask to have that marked “Allen No. 5.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 5.”)

Mr. FRANK.—Q. I show you Tom Campbell’s card of September 21, and ask you the same question. A. All right.

Q. By “all right” you mean that that is the card of a man who was working under you at that date?

A. Yes, sir.

Q. And checked up by you before being handed in to the office? A. Yes, sir.

Q. I notice under piece number “32 lbs.” What does that mean? A. 32 lbs.

Q. What is it—32 lbs. of iron material that went into that work? A. Yes, 32 lbs. of iron braces.

Mr. FRANK.—I will ask to have it marked “Allen No. 6.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 6.”)

Mr. FRANK.—Q. I now show you a card of Tom Campbell, dated September 22, and ask you the

(Testimony of George Allen.)

same question. A. Yes, correct. [447—358]

Q. That is, it is a card of a man who was working in your department and you checked it up before passing it into the office? A. Yes, sir.

Q. Let me ask you, when you checked it up, do you mean you checked up the job numbers and the hours worked? A. Yes, sir.

Q. How did you receive the job numbers, from what source did they come to you?

A. Well, in the first place I get a sheet from the office telling me the number of the job, and I keep that on file; it is a sheet something about the size of that (showing). I keep that and then give the number to the different men that are going to do the different jobs. If a man brings me a job with a number on it, I compare that with the one I have. I ask him what ship it is for, what job it is for, and he tells me, and I look on my sheet and see whether it corresponds.

Q. The number corresponds? A. Yes, sir.

Q. And then the job proceeds under that number in your department? A. Yes, sir.

Mr. FRANK.—I will ask to have that card marked “Allen No. 7.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 7.”)

Mr. FRANK.—Q. I now show you a card of Tom Campbell, under date of September 24, and ask you the same question concerning that card.

A. All right.

Q. I notice that the handwriting on this card of

(Testimony of George Allen.)

Tom Campbell is not the same as the handwriting on the other cards. How do you account for that?
[448—359]

A. Well, I don't know exactly how I would account for that, except sometimes the helper might make it out.

Q. The what?

A. The helper might possibly make it out. This is Tom's writing.

Q. That is Tom's writing? A. Yes, that is.

Q. And those other cards then, whose writing is that? A. Well, I am not positive about that.

Q. But you know Campbell's own handwriting, do you? A. Yes, sir.

Q. But all those cards came in in the evening and you checked them up? A. Yes, sir.

Mr. FRANK.—I will ask to have that card marked "Allen No. 8."

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 8.")

Mr. FRANK.—Mark the clock card "Allen No. 9."

(The clock card is marked "Allen No. 9.")

The WITNESS.—Half a minute, if you please. This is Campbell's signature, you see.

Mr. FRANK.—That is all right.

Q. And I show you the card of H. Olsen, September 14. A. That is correct.

Q. That is a card of a man that was working under you at that time? A. Yes, sir.

Q. Checked up by you at night-time?

(Testimony of George Allen.)

A. After the whistle blows.

Q. You knew it to be correct? A. Yes, sir.

Q. I notice under "Pièce Number" of the job number 5318, "36"? A. 36 lbs.

Q. And that, I understand, to be the weight of the iron or [449—360] material used in those jambs? A. Yes, sir.

Mr. FRANK.—Mark that "Allen No. 10."

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 10.")

Mr. FRANK.—Q. I show you now the card of H. Olsen, of September 15, and ask you the same question. A. Yes; it is correct.

Q. Whenever you say it is correct you mean that it is a card of a man that has worked in your department? A. Yes, sir.

Q. At the time mentioned? A. Yes, sir.

Q. And that the job numbers and hours worked are correct? A. Yes, sir.

Q. How about these figures?

A. That is the weight.

Q. Under piece number—that is the weight?

A. Yes.

Q. The weight of the iron? A. Yes.

Mr. FRANK.—I will ask to have that marked "Allen No. 11."

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 11.")

Mr. FRANK.—Q. I show you a card of H. Olsen, of September 16, and ask you the same question as before. A. Yes.

(Testimony of George Allen.)

Q. That, that is checked up by you and found correct and you knew it to be correct at the time?

A. Yes, sir.

Q. As to job numbers and hours worked?

A. Yes, sir.

Q. And under piece number, again those figures indicate what? A. Weight.

Q. So many lbs.? A. So many lbs.

Mr. FRANK.—I will ask to have that marked “Allen No. 12.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 12.”) [450—361]

Mr. FRANK.—Q. The card of H. Olsen of September 18, I present to you, and ask you the same question. A. All right.

Q. That is, you knew it to be correct at the time that it was passed in? A. Yes, sir.

Q. As to job number and hours worked?

A. Yes, sir.

Q. I again notice the figures under the piece number; that means what? A. That means weight.

Mr. FRANK.—I will ask to have that marked “Allen No. 13.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 13.”)

(An adjournment was thereupon taken until tomorrow, Saturday, August 26, 1911, at 9:30 A. M.) [451—362]

(Testimony of George Allen.)

Saturday, August 26th, 1911.

GEORGE ALLEN, recalled, direct examination resumed.

Mr. FRANK.—We ask that the clock card of H. Olsen be marked Allen No. 14.

(The clock card is marked “Allen No. 14.”)

Q. I now show you a card marked with the name of Tom Campbell, under date of August 25th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked and the weights, and then knew them to be correct and passed it into the office of the time-keeper. A. All right.

Q. By “all right,” what do you mean, Mr. Allen?

A. It is correct.

Q. What is correct?

A. The time-card is correct as far as my knowledge is concerned at that time.

Q. You checked it up at that time? A. Yes, sir.

Q. And found it correct at that time?

A. Yes, sir.

Q. And passed it in under those conditions?

A. Yes, sir.

Q. Under piece number there are indications of numbers of pounds; that means the weight of the material used in the particular work, does it?

A. Yes, sir.

Q. I forgot to ask you yesterday concerning the occupation of these several men. What was Tom

(Testimony of George Allen.)

Campbell? A. Blacksmith.

Mr. FRANK.—We ask that the card be marked Allen No. 15. [452—363]

Mr. McCLANAHAN.—I object to the offer as being incompetent, irrelevant and immaterial, hearsay, self-serving and not binding on the respondent.

(The card is marked “Allen No. 15.”)

Mr. FRANK.—Q. What was A. Beaton?

A. Blacksmith.

Q. What was H. Olsen? A. Blacksmith.

Q. I now show you the card of Tom Campbell under date of August 26th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. Yes, sir; that is correct.

Q. You mean it went through the same process as you have testified to concerning the other cards?

A. Yes, sir.

Q. And that you knew it to be correct at the time?

A. Yes, sir.

Q. I notice on this card the number 5094 in red ink.

A. Yes, sir. There is another figure there, is there not?

Q. No. There is no figure under it at all.

A. Which one did you say it was?

Q. 5094.

(Testimony of George Allen.)

A. When I got that from the man who gave it to me he could not tell me for a surety what that number was, and I did not know, so I went to the timekeeper and got it and he put it down in red ink.

Q. That is a dredger shop or dredger ship?

A. A dredger.

Q. Which is it?

A. I do not know what that is.

Q. At any rate it is not a "Hilonian" number. I notice also [453—364] 4525 is changed to 4524 in red ink.

A. Well, that was changed at the same time. 4524 is correct.

Q. That is changed by the timekeeper?

A. Yes, sir.

Q. In the manner you have indicated, is that correct? A. Yes, sir.

Q. And under "piece number" the number of pounds there indicates the weight of the material in that particular work? A. Yes, sir; 12 and 16.

Mr. FRANK.—We ask that the card be marked Allen No. 16.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 16.")

Mr. FRANK.—Q. I now show you a card marked with the name of Tom Campbell under date of August 27th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and

(Testimony of George Allen.)

then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—Will it be understood, Mr. McClanahan, that when the witness says “all right” he means to testify in the affirmative.

Mr. McCLANAHAN.—Certainly.

Mr. FRANK.—That the cards were inspected and drawn in the regular way because I do not want to ask these unnecessary questions each time.

Mr. McCLANAHAN.—Certainly.

Mr. FRANK.—I notice on this card also the same number as on the previous card 4522 changed to 4524 in red ink. [454—365]

A. It was changed by the timekeeper.

Q. In the same way? A. In the same way, yes.

Q. It is in the same way as you have testified before that these things were done? A. Yes, sir.

Q. And the 8 pounds was the weight of the material in that particular piece of work?

A. Yes, sir.

Mr. McCLANAHAN.—Mr. Frank, with respect to Exhibit 16 and your entries in regard to the weight of the material it is, as you notice, immaterial, as the only number on that to which the weight of material is attached, or the two numbers rather, are not “Hilonian” numbers.

Mr. FRANK.—It will serve a useful purpose perhaps to have it explained at this time just the same.

Mr. FRANK.—We ask that the card be marked Allen No. 17.

(Testimony of George Allen.)

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 17.”)

Mr. FRANK.—I now show you another card marked with the name of Tom Campbell under date of August 28th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 18.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 18.”)

Mr. FRANK.—We ask that the clock card of August 28th, be marked Allen No. 19. [455—366]

(The clock card is marked “Allen No. 19.”)

Q. I now show you a card marked with the name of John Edwards under date of September 15th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper.

A. All right.

Q. By the way, Mr. Allen, I notice on the bottom of all of these cards the word Allen. What is that?

A. That is my name.

Q. Your signature? A. Yes, sir.

(Testimony of George Allen.)

Q. When did you put that on those cards?

A. At night when I go over the cards before I hand them in to the timekeeper.

Q. Here again I find under "piece numbers" certain figures which are weights? A. Yes, sir.

Q. Under those numbers? A. Yes, sir.

Q. And Edwards was a blacksmith?

A. Yes, sir.

Mr. FRANK.—We ask that the card be marked Allen No. 20.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 20.")

Mr. FRANK.—Q. I show you another card marked with the name of John Edwards under date of September 16th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper. [456—367]

A. All right.

Q. Always on your cards whatever figures are entered under the term "piece number" it refers to weights, does it? A. Yes, sir; all the numbers.

Mr. FRANK.—We ask that the card be marked Allen No. 21.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 21.")

Mr. FRANK.—Q. I show you another card of John Edwards under date of September 17th, and ask

(Testimony of George Allen.)

you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper.

A. All right.

Q. There is a change from 5325 to 5318 in lead pencil in this case? A. Yes, sir.

Q. Can you give us any information regarding the manner in which that change was made?

A. Yes, sir. When the man brought that number he gave the wrong number. As soon as I discovered it I told him of it, and it was changed before it went into the timekeeper.

Mr. FRANK.—We ask that the card be marked Allen No. 22.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 22.")

Mr. FRANK.—Q. I show you another card of John Edwards under date of September 18th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and [457—368] checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper. A. All right.

Q. On this also I notice two changes in red ink, and the addition "steering gear" over the word "crank bolts." What can you tell us about those

(Testimony of George Allen.)

changes, if anything?

A. At that time we did some work on the steering gear and when I handed this in to the office I inquired about what that steering gear was for. The time-keeper added it on the same number.

Q. The same number? A. The same number.

Q. How about the change in the job number?

A. That would be the same number.

Q. I mean this change in red ink.

A. That is the same number. That is 5029.

Q. I mean, the number was changed.

A. We discovered that at the same time, too, that I had the wrong number.

Q. 5389, the same way? A. Yes, sir.

Mr. FRANK.—We ask that the card be marked Allen No. 23.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 23.")

Mr. FRANK.—Q. I show you another card marked with the name of John Edwards under date of September 20th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper.

A. All right. [458—369]

Mr. FRANK.—We ask that the card be marked Allen No. 24.

(Testimony of George Allen.)

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 24.”)

Mr. FRANK.—I show you another card of John Edwards under date of September 21st, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct, and passed it into the office of the time-keeper? A. All right.

Q. What kind of a wrench is that under 5325?

A. A box-wrench.

Q. What is that?

A. That is a wrench that you might say is like a hollow box with a tail on it.

Q. In other words, it is one of those wrenches that has a square hole on the end of it to fit a particular nut?

A. It might be square, and it might be hexagon.

Q. Whatever it is, it is made to fit a particular nut?

A. Yes, sir.

Mr. FRANK.—We ask that the card be marked Allen No. 25.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 25.”)

Mr. FRANK.—Q. I show you another card marked with the name of John Edwards under date of September 22d, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time

(Testimony of George Allen.)

as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper. [459—370]

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 26.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 26.”)

Mr. FRANK.—Q. John Edwards is a blacksmith?

A. Yes, sir.

Mr. FRANK.—We ask that the clock card of September 25th, be marked Allen No. 27.

(The clock card is marked “Allen No. 27.”)

Q. H. O. Errickson, what was he?

A. Blacksmith.

Q. I show you a card marked with the name of H. O. Errickson under date of August 30th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 28.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 28.”)

Mr. FRANK.—Q. I show you another card of H. O. Errickson under date of August 31st, and ask you

(Testimony of George Allen.)

whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right. [460—371]

Mr. FRANK.—We ask that the card be marked Allen No. 29.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 29.”)

Mr. FRANK.—Q. I show you another card marked with the name of H. O. Errickson under date of September 2d, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper. A. All right.

Q. On this card under 5295 I notice the article worked on, underneath the line, between the two lines the word “bracer.” Does that belong to 5295 or to the subsequent number?

A. No, sir; that belongs to 5313.

Mr. McCLANAHAN.—That is the “bracer” belongs to 5313?

A. Yes, sir.

Mr. FRANK.—Q. What is the mark following the word “eye-bolt”?

A. That does not denote anything.

(Testimony of George Allen.)

Mr. FRANK.—We ask that the card be marked Allen No. 30.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 30.”)

Mr. FRANK.—Q. I show you another card marked with the name of H. O. Errickson under date of September 7th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right. [461—372]

Mr. FRANK.—We ask that the card be marked Allen No. 31.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 31.”)

Mr. FRANK.—Mr. McClanahan suggests that on Exhibit 30 you are probably in error in saying that “bracer” belongs to 5313. 5295 should read “tools, eye-bolt, and bracer.”

A. I don't think it reads that way. “Tools and eye-bolt” is 30 pounds, and the “brace” belongs to 5313.

Q. It is bracer? A. No, sir, brace.

Q. It is braces. Eye-bolt is the same?

A. There might have been two and there might have been several.

Q. It is not material, but the entry is just like “eye-bolts,” so I judge it is “braces.”

(Testimony of George Allen.)

Q. I show you another card of H. O. Errickson under date of September 8th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 32.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 32.”)

Mr. FRANK.—We ask that the clock card of September 11th be marked Allen No. 33.

(The clock card is marked “Allen No. 33.”)

Q. I show you another card marked with the name of H. O. Errickson under date of August 27th, and ask you whether or not that was a man working under you at the time indicated on that card, [462—373] and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it into the office of the timekeeper. A. All right.

Q. There is red ink on this change of the job number?

A. The timekeeper changed that in my presence. I had the wrong number on the card, and the timekeeper changed it.

Q. It was changed in your presence?

(Testimony of George Allen.)

A. Yes, sir.

Q. You agreed with him that it was a proper change, is that it? A. Yes, sir.

Mr. FRANK.—We ask that the card be marked Allen No. 34.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 34.”)

Mr. FRANK.—Q. I show you another card marked with the name of H. O. Errickson under date of August 28th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 35.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 35.”)

Mr. FRANK.—We ask that the clock card of August 28th be marked Allen No. 36.

(The clock card is marked “Allen No. 36.”)

[463—374]

Q. I show you another card of H. O. Errickson under date of September 12th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and

(Testimony of George Allen.)

passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 37.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 37.")

Mr. FRANK.—Q. I show you another card of H. O. Errickson under date of September 13th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 38.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 38.")

Mr. FRANK.—I show you another card of H. O. Errickson under date of September 15th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. [464—375] A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 39.

(Testimony of George Allen.)

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 39.”)

Mr. FRANK.—Q. I show you another card with the name of H. O. Errickson under date of September 17th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 40.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 40.”)

Mr. FRANK.—Q. I show you another card marked with the name of H. O. Errickson under date of September 21st and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Q. I notice there is also a red ink change from 5389 to 5318?

A. That was changed in my presence.

Mr. FRANK.—We ask that the card be marked Allen No. 41.

(Testimony of George Allen.)

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 41.")

Mr. FRANK.—Q. I show you another card of H. O. Errickson [465—376] under date of September 22d, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 42.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 42.")

Mr. FRANK.—We ask that the clock card of September 25th be marked Allen No. 43.

(The clock card is marked "Allen No. 43.")

Q. I show you a card marked with the name of G. Scala under date of September 15th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Q. What occupation was Scala's?

A. He is my helper.

Q. I notice there are two hours overtime under 5325 and the article worked on is somewhat illegible.

(Testimony of George Allen.)

Can you make out, or do you know what that was?

A. Yes, sir, I remember what that was now.

Q. What was it?

A. It was a button for the rudder, and I remember I went home that night for some reason and he stayed and finished it. I think, if you will get my card of the same [466—377] date, you will find I worked 9 hours.

Q. How did you check up his time on that card?

A. From the job he was working on.

Q. How did you ascertain how long it took him?

A. Because the clock will tell me what time he went out.

Q. Did you know anything about the length of time that the job would take when you set him to it? A. It would take that time.

Q. Under the "hours worked" I notice that there are 3 hour periods with no number opposite. What is the reason of that?

A. It would be applied to the same number 5398; that ought to be 4 hours.

Q. Why is it put down in two separate periods?

A. It is on the same day.

Q. I mean why is it segregated into 1 and 3 hours?

A. Probably there were two different jobs on the same number.

Q. That is two different pieces that he was working on? A. Yes, sir.

Q. Instead of putting ditto marks, or repeating the number it is just put down in that way?

A. Yes, sir.

(Testimony of George Allen.)

Mr. FRANK.—We ask that the card be marked Allen No. 44.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 44.”)

Mr. FRANK.—We ask that the clock card of September 25th be marked Allen No. 45.

(The clock card is marked “Allen No. 45.”)

Q. I show you another card of John Edwards under date of August 27th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, [467—378] and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 46.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 46.”)

Mr. FRANK.—Q. I show you another card of John Edwards under date of September 28th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

Mr. FRANK.—We ask that the card be marked Allen No. 47.

(Testimony of George Allen.)

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 47.”)

Mr. FRANK.—Q. I show you another card of John Edwards under date of August 31st, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 48.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 48.”)

Mr. FRANK.—Q. I show you another card of John Edwards under date of September 4th, and ask you whether or not that was a [468—379] man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 49.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 49.”)

Mr. FRANK.—Q. I show you another card of John Edwards under date of September 3d, and ask you whether or not that was a man working under

(Testimony of George Allen.)

you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the time-keeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 50.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 50.”)

Mr. FRANK.—Q. I now show you another card marked with the name of John Edwards under date of September 11th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 51. [469—380]

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 51.”)

Mr. FRANK.—We ask that the clock card of September 11th be marked Allen No. 52.

(The clock card is marked “Allen No. 52.”)

Q. Tom Campbell, what was he?

A. Blacksmith.

Q. I now show you the card of Tom Campbell under date of August 30th, and ask you whether or not that was a man working under you at the time indi-

(Testimony of George Allen.)

cated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 53.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 53.”)

Mr. FRANK.—Q. I show you another card of Tom Campbell under date of August 31st, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 54.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 54.”)

Mr. FRANK.—Q. I notice in red ink a change of number 4522 [470—381] to 4524?

A. 4522 was the wrong number. The timekeeper changed that to 4524. This one 242 should be 242b. That was a different shop number.

Q. By “shop number” you mean the piece of work that is charged to the shop?

A. The different departments have different num-

(Testimony of George Allen.)

bers that are arranged alphabetically A, B, C and D at the shop.

Q. I show you another card marked with the name of Tom Campbell under date of September 2d, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 55.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 55.”)

Mr. FRANK.—Q. I show you another card of Tom Campbell under date of September 1st, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 56.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 56.”) [471—382]

Mr. FRANK.—Q. I show you another card of Tom Campbell under date of September 7th, and ask

(Testimony of George Allen.)

you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the time-keeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 57.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 57.”)

Mr. FRANK.—Q. I now show you another card marked with the name of Tom Campbell under date of September 8th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 58.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 58.”)

Mr. FRANK.—Q. I notice the first number here has been changed in lead pencil. State whether or not that was done before you received it.

A. Yes, sir, 5295.

Q. Done by whom?

A. By the blacksmith. The man who made out this card. There is one figure there that has no

(Testimony of George Allen.)

business there, that one on the front. [472—383]

Q. It is written over? A. Yes, sir.

Q. I show you another card of Tom Campbell under date of September 11th, and ask you whether or not that was a man working under you at the time indicated on that card, and whether or not you kept his time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 59.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 59.")

Mr. FRANK.—We ask that the clock card of September 11th be marked Allen No. 60.

(The clock card is marked "Allen No. 60.")

Q. I now show a card marked with the name of George Allen under date of August 25th and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. That is correct.

Q. Whose card is that? A. Mine.

Q. Made out by yourself? A. Yes, sir.

Mr. FRANK.—We ask that the card be marked Allen No. 61.

(Testimony of George Allen.)

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 61.”)

Mr. FRANK.—Q. I now show you another card of George Allen [473—384] under date of August 28th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 62.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 62.”)

Mr. FRANK.—We ask that the clock card of August 28th be marked Allen No. 63.

(The clock card is marked “Allen No. 63.”)

Q. I now show you another card of George Allen under date of August 30th and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 64.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 64.”)

Mr. FRANK.—Q. I show you another card

(Testimony of George Allen.)

marked with the name of George Allen under date of August 31st and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job [474—385] numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper? A. All right.

Q. I notice at the bottom of that card “s hammer, 9 hours.” A. Steam hammer.

Q. What does that mean?

A. Working the hammer all day on that job.

Q. Where is the steam hammer situated?

A. About 15 feet from me.

Q. 15 feet from your stand?

A. Yes, sir, I don't think it is hardly as much as that. 15 feet is near enough.

Mr. FRANK.—We ask that the card be marked Allen No. 65.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 65.”)

Mr. FRANK.—Q. I show you another card of George Allen under date of September 1st, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

(Testimony of George Allen.)

Mr. FRANK.—We ask that the card be marked Allen No. 66.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 66.”)

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 4th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to [475—386] and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the time-keeper. A. All right.

Q. You note the change in red ink of the job numbering? A. Yes, sir.

Mr. FRANK.—We ask that the card be marked Allen No. 67.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 67.”)

Mr. FRANK.—Q. I show you another card of George Allen under date of September 6th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 68.

Mr. McCLANAHAN.—The same objection.

(Testimony of George Allen.)

(The card is marked "Allen No. 68.")

Mr. FRANK.—Q. I show you another card of George Allen under date of September 7th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Q. You note the change in the first job number there? [476—387]

A. I got down the wrong number. As soon as I discovered it I changed it.

Q. You changed it yourself? A. Yes, sir.

Mr. FRANK.—We ask that the card be marked Allen No. 69.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 69.")

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 8th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 70.

Mr. McCLANAHAN.—The same objection.

(Testimony of George Allen.)

(The card is marked "Allen No. 70.")

Mr. FRANK.—Q. I show you another card of George Allen under date of September 10th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 71.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 71.") [477—388]

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 11th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 72.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Allen No. 72.")

Mr. FRANK.—We ask that the clock card of September 11th be marked Allen No. 73.

(The clock card is marked "Allen No. 73.")

(Testimony of George Allen.)

Q. I now show you another card of George Allen under date of September 12th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 74.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 74.”)

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 14th, and ask you whether or not you were working at the time indicated on that card, and whether or [478—389] not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper. A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 75.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 75.”)

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 15th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and

(Testimony of George Allen.)

the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 76.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 76.”)

Mr. FRANK.—Q. I notice the job number 5325 in red ink, “number of hours” encircled in red ink, and under “piece number” “extra.” Can you explain that?

A. I did not have the number of that. I was in doubt in regard to that number. I went to the timekeeper. He put down the number of the job and “extra.”

Q. What does the “extra” mean?

A. I cannot say what that means.

Q. I now show you another card of George Allen under date of September 16th, and ask you whether or not you were working [479—390] at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 77.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 77.”)

Mr. FRANK.—Q. I show you another card of

(Testimony of George Allen.)

George Allen under date of September 17th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 78.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 78.”)

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 18th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 79. [480—391]

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 79.”)

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 19th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked,

(Testimony of George Allen.)

and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 80.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 80.”)

Mr. FRANK.—Q. I now show you another card of George Allen under date of September 20th, and ask you whether or not you were working at the time indicated on that card, and whether or not you kept your time as heretofore testified to and checked up the numbers, the job numbers, and hours worked, and the weights, and then knew them to be correct and passed it in to the office of the timekeeper.

A. All right.

Mr. FRANK.—We ask that the card be marked Allen No. 81.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Allen No. 81.”)

Mr. FRANK.—We ask that the clock card of September 25th be marked Allen No. 82.

(The clock card is marked “Allen No. 82.”)

Q. I notice on these cards, Mr. Allen, “work on tools.” What is the nature of the “work on tools” as done in your department? [481—392]

A. We make all the tools in the blacksmith-shop that have to be forged, that they cannot do in the machine-shop without any forging. You can take a piece of steel, that is a piece of tool steel, take it in the machine-shop, put it in the lathe and make most

(Testimony of George Allen.)

any kind of a tool; on the other hand, lots of tools again would have to come to the blacksmith-shop and and be forged before it is finished; in other words, take a piece of four inch or five inch, or any kind of square steel, if that was going to be made into a tap or reamer, that steel would be forged down small enough to allow for a finish.

Q. In other words, in your department the tool work was work on tools which required forging.

A. Forging.

Q. Now, referring back to Exhibit No. 2, I call your attention to the red ink "20-1/2" and ask you what that is.

A. That is half an hour for the steam hammer.

Q. And put down by whom and in what way?

A. The timekeeper puts that down.

Q. How would he get the time? A. I tell him.

Q. You tell him? A. Yes, sir.

Q. He put it down with your sanction?

A. Yes, sir, what I tell him.

Q. "20" means steam hammer? A. Yes, sir.

Q. And "1/2" means the time? A. Yes, sir.

Q. I notice the same on Exhibit 6 in two instances.

A. Yes, sir.

Q. The same answer to that? A. Yes, sir.

Q. I notice on Exhibit No. 8 "20-1." What does that mean? A. That means one hour.

Q. One hour at what,—at the steam hammer?

A. Yes, sir. [482—393]

Q. That was put down in the same way?

A. Yes, sir.

(Testimony of George Allen.)

Q. I notice on Exhibit No. 11 "20-2" and again "20-1½." A. Yes, sir.

Mr. FRANK.—It will be understood that when the witness says "yes" it means the same answer.

Mr. McCLANAHAN.—Yes. Why not make one question apply to the whole lot of exhibits? I will admit that wherever in red ink "20" appears on the card followed by other numerals or fractions, that the witness will testify that means a certain half hour or number of hours worked on the steam hammer on the particular number to which the red ink insertion attaches.

Mr. FRANK.—And was entered in the manner he testified to in the first instance?

Mr. McCLANAHAN.—Yes, I will admit he will so testify.

Q. You would so testify, would you not?

A. Yes, sir.

Mr. FRANK.—Q. It is the fact, is it not?

A. Yes, sir.

Q. In the case, as on Exhibit 34, where the figure is not followed by any other number, what is that intended to indicate?

A. I cannot say what that means.

Q. Do you know whether or not that was entered in conjunction with you, as you have already testified?

A. I could not say what that means.

Q. You know that the "20" means steam hammer,

(Testimony of George Allen.)

however? A. Yes, sir.

(An adjournment was here taken until Monday morning, August 23th, 1911, at 9:30 o'clock.) [483—394]

Monday, August 28th, 1911.

GEORGE ALLEN, recalled for cross-examination:

Mr. McCLANAHAN.—Q. You have been examined touching your knowledge of certain time-cards that bear date two years back, August and September, 1909. They have been introduced here as Exhibits Allen 1 to 81. I notice that each of the cards has your signature at the end. Were you in the habit of always putting your signature on the time-cards as you checked them up? A. Yes, sir.

Q. And I suppose in the course of a year a great many of those cards pass through your hands into the office. A. Yes, sir.

Q. Is it a rule of the office that you should so sign each time-card that you check up? A. Yes, sir.

Q. Of course, it is the signature now, Mr. Allen, that refreshes your mind as to the correctness of the card, is it not? A. Yes, sir.

Q. A man is not expected to remember these things two years back. A. No.

Q. But your seeing your signature now, you know that when you put the signature there, you would not have put it there had you not examined the card and found it correct; that is the idea, is it?

A. That is the idea, sir.

Q. I don't understand that you have now any par-

(Testimony of George Allen.)

ticular detail knowledge of this work except as you can verify it from your signature on the card.

A. That is all that I have.

Q. Now, I want to ask you a few questions, Mr. Allen, about this tool work. I don't quite understand it. I understand that all tools that require forging are prepared in your shop? [484—395]

A. Yes, sir.

Q. I have made a hasty examination of the cards this morning which were introduced and I find that in almost all the cases where work has been done on tools, that there is no entry opposite that work under the column "Piece number" where you say you enter the material; why is that, Mr. Allen?

A. I must explain that. There are lots of these tools that go down on that as tools. There is a gang of men on the ship; they are using hand tools or machine tools; now, these tools are hand tools or machine tools; in other words, a man has a chisel, or any kind of a tool like that, and he does it with his hand hammer. Then there are other tools they use, such as an air-gun; that is a machine that is worked with compressed air. I cannot say exactly how many tools these men would have; they might have 5, they might have 10, they might have 50 apiece. A man would be working with a tool for say 5 minutes, half an hour or an hour and the tool would break; that is returned to the blacksmith-shop and reforged; that is the reason it does not go down on the card as pieces.

Q. That is to say, that is the reason there is no

(Testimony of George Allen.)

material charged to that work.

A. That is right; that is correct.

Q. It is simply the time of the man in reforging the tool, or whatever it is. A. Yes, sir.

Q. In other words, you are not making new tools of crude material? A. Not all the time.

Q. If you do make a tool of the crude material you put down the material that is used under the piece number. A. No, sir.

Q. Do you understand my question?

A. Yes, I understand thoroughly. [485—396]

Q. Then I do not understand you, Mr. Allen. My question is this, that if you take material, the crude iron out of the racks and make a tool of it, you would then put down on your time-card not only the time expended in the labor of making the tool but also the amount of material used. A. No, sir.

Q. Now, explain why you would not.

A. Well, I will tell you why: if the foreman of any department would want me to make so many new tools he would write out an order from his order book, retaining the stub, what is ordered; he would bring that to me. I have a book, a fac-simile of his. I would write out the order for that material, retaining the stub in my book, take the order I have written over to the storeroom, get the material, and the man I would get the material from would charge it on that card and return it to the office.

Q. Charge the material on the card you gave him?

A. Yes, sir.

Q. So that would obviate the necessity of your

(Testimony of George Allen.)

making any reference to the material?

A. I would make no reference to it at all because I get that from another department.

Q. That method of charging the material is where you get orders to make tools for the shop?

A. Yes, sir.

Q. How does that order reach your hand? Does it come to you in the same way that these other orders for work do?

A. Yes, sir, written by the foreman and handed to me.

Q. And it would have the job number on it?

A. Yes, sir.

Q. What is this "29" in red ink that I find at the top of the time-card?

A. That is the individual's number, I believe, isn't it? [486—397]

Mr. FRANK.—Mr. Allen, if you don't know, you don't have to guess at it. Only testify to those things you know of. If you don't know, somebody else can explain it.

Mr. McCLANAHAN.—Q. I call your attention to this (indicating).

A. That is the shop number.

Q. You are pointing now to the number in the left-hand corner. A. Yes, sir.

Q. That is the shop number? A. Yes, sir.

Q. The man's shop number?

A. The man's shop number.

Q. Now, I want to know if you know what the number "29" on each of the cards is? Do you no-

(Testimony of George Allen.)

tice that "29"? A. Yes, sir.

Q. What does that mean, do you know?

A. I am not positive.

Q. Did you ever inquire about that?

Mr. FRANK.—Mr. McClanahan, I can tell you what it is.

Mr. McCLANAHAN.—Oh, excuse me, Mr. Frank; let the witness testify.

Mr. FRANK.—Well, I can save you some examination, but if you don't want me to do it I won't.

Mr. McCLANAHAN.—Well, what is it?

Mr. FRANK.—That is the number of the occupation.

Mr. McCLANAHAN.—That is, it refers to blacksmith?

Mr. FRANK.—Yes.

Mr. McCLANAHAN.—Q. What is the number of your department in the works? A. 309.

Q. I don't think you understand my question. That is your number?

A. No, that is the number of the blacksmith-shop.

Q. No. 309? A. Yes, sir.

Q. What is the number of the machine-shop?

A. I could not say. [487—398]

Q. It has a number, though.

A. Yes, sir, I believe so.

Q. I notice on your exhibit, "Allen No. 25," that there is an entry there, 309 job number, 3 hours' work, blacksmith tools, and 10 under the piece number. A. That means lbs.

Q. 10 lbs. under the piece number; will you ex-

(Testimony of George Allen.)

plain what that is, or may I suggest that it is a tool made for the blacksmith-shop—is that it?

A. Yes, sir.

Q. And the material was taken right out of your own racks? A. Yes, sir.

Q. And the same with the entry on “Allen Exhibit No. 26”—“309, one hours’ work, blacksmith tools, 6 lbs. of steel”? A. Yes, sir.

Q. Do you remember any of the ships that were being worked on in August and September, 1909?

A. No, sir.

Q. You don’t remember any of the numbers, do you?

A. No, sir. I remember that the “Hilonian” was there.

Q. You remember that she was there?

A. Yes, sir.

Q. I suppose that that is because of this controversy, is it? A. How is that?

Q. I say I suppose you remember that because of this controversy.

A. I remember the ship all right.

Q. Would you remember others if I would suggest them to you? A. Maybe I would.

Q. Do you remember that the “Buckman” was there? A. I know that she has been there.

Q. But you don’t remember whether she was there at that time or not? A. No.

Q. Do you know whether the tug “Ranger” was there, from Eureka?

A. I don’t know as to that time, but I remember

(Testimony of George Allen.)

that she was there. [488—399]

Q. Is it sometimes true, Mr. Allen, that you make a special tool for a particular ship that is taken away by the ship itself?

A. Well, I don't see how I would know that.

Q. You would not know that? A. No, sir.

Q. You have given an illustration of the forging of a broken tool, a tool that has been broken on the ship; what other tools do you forge, that is, give me an illustration of some other tool work that is charged to some particular number?

A. Well, that would all depend on the tools they break in the shop. There are some different kinds of tools. In the condition that they were in when they would break them, I would have to forge them into the shape that they would require them to be in for that particular job.

Q. How do you get those instructions, from the man who brings them in?

A. From the man who brings them in, yes, sir.

Q. Who would that be?

A. Well, he might be a boilermaker, he might be a ship-fitter or a calker or a riveter.

Q. He just brings it into the shop and tells you what he wants?

A. He goes to the man in the toolroom—if he is a ship-fitter or a boiler-maker he goes to the ship-fitters' toolroom; if it is for a machinist he goes to the machine-shop toolroom, and I get my instructions from him.

Q. By "him" you mean the man in the toolroom or

(Testimony of George Allen.)

the man who wants the job done?

A. No, the man in the toolroom. He would probably send him to me and send me the number of the job it is for.

Q. Do you have any memorandum, paper, or writing given you?

A. A piece of paper with the number of the job on it.

Q. And what is wanted.

A. And what is wanted.

Q. And it is from that memorandum you give your instructions [489—400] to your blacksmiths?

A. Yes, sir.

Q. And afterwards the cards are made up in the form that they have been introduced here, covering that particular work? A. Yes, sir.

Q. These tools are the tools of workmen who are working on the ship or in the different departments of the shop? A. Yes, sir.

Q. As I understand from your direct examination you know nothing of the reason that we find some of these job numbers changed in red ink.

A. Yes, sir.

Q. Well, does that mean that you do know or do not know?

A. That means I did not know at the time. When the man gave me that number I had my suspicion whether that number was right or wrong, and when I turned in the time-card I explained that to the timekeeper. He ascertained before that went out of my hand whether that number was right; he discov-

(Testimony of George Allen.)

ered it was wrong and he put down the right number.

Q. It was the investigation of the timekeeper that led to the change in the numbers? A. Yes, sir.

Q. And that is all you know about the change, is it?

A. That is all I know. I consider it right.

Q. Do you remember who the timekeeper was in August and September, 1909? A. Yes, sir.

Q. What is his name?

A. Charles—I can't think of it; Mr. Curtis, what was that man's name?

Mr. FRANK.—Mr. Curtis is not testifying. You are testifying. If you can't remember the name just say so. The name has been given half a dozen times, so the gentleman won't miss anything even if you can't remember it.

A. (Continuing.) I can't think of it right now.

Mr. McCLANAHAN.—Q. You can't remember it, can you? Is [490—401] it the same man who is timekeeper now? A. No, sir.

Q. Is he the timekeeper for all of the departments?

A. I could not say.

Q. I will come back to that in a moment and ask you if you can give the name?

A. The name is Sjoberg.

Mr. FRANK.—That is it.

Mr. McCLANAHAN.—I think that is all.

Redirect Examination.

Mr. FRANK.—Q. In regard to the investigation of the timekeeper as to the number, state whether the investigation was pursued in connection with your-

(Testimony of George Allen.)

self, that is, the two of you together. A. Yes, sir.

Q. And you were satisfied as well as he at that time, that it was right? A. Yes, sir.

Q. And you agreed upon the change with him. Is that right? A. That is right.

Q. You were asked if the tools you were working on were the tools of working men employed on the ship or the different departments of the shop, and you said they were. Of course, each set of tools or each job on tools as the cards indicate bear its own number? A. Yes.

Q. According to the nature of the tool and the particular job to which it was to be applied.

Mr. McCLANAHAN.—I object to the question as suggestive and leading.

A. That is right.

Mr. FRANK.—Q. Upon the question as to whether or not when the job was completed as a matter of charge in making up bills, whether it was to be a particular charge or a particular number, the particular tool was to be charged to the owner of the ship or to be charged to the iron works, that is a matter [491—402] that you knew nothing about? A. I knew nothing about it.

Q. As I understood you to say on cross-examination, when particular tools were to be made, forged or mended, the man applied to the head of their own department in the toolroom and the order came to you from the head of that department, is that right?

A. Yes, sir.

Q. And the numbers were afterwards verified be-

(Testimony of George Allen.)

tween you and the timekeeper, if there was any doubt about it? A. Yes, sir.

[Testimony of Edward Corcoran, for Libelant.]

EDWARD CORCORAN, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Corcoran, you are engaged over at the United Engineering Works, are you?

A. Yes, sir.

Q. And have been so for a number of years?

A. Yes, sir.

Q. Were you there in the months of August, September and October, 1909? A. Yes, sir.

Q. In what capacity?

A. A puncher. My rating is a machine-hand, but I operate a punching machine.

Q. In the performance of your work I suppose you entered up on the card the same as the other men your work under job numbers and the hours worked?

A. Yes, sir.

Q. It was the practice then and is still the practice of the company? A. Yes, sir.

Q. I show you a card here bearing the name Edward Corcoran, under date of August 28, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. [492—403]

A. Yes, I made out that card and put those job numbers on there and marked the time.

Q. Where do you get the job numbers from?

A. We get them off the work as it comes in.

(Testimony of Edward Corcoran.)

Q. Off the work?

A. Yes, sir; it is marked on there.

Q. I presume you made your entries of job numbers and the hours worked correctly at the time, did you? A. Yes, sir, to the best of my belief.

Q. You kept track of the time? A. Yes, sir.

Q. When you say "to the best of your belief," just exactly what do you mean?

A. Well, it is two years since that happened. As the work comes in I take the number off the work and put it down on an iron slate, and when I start.

Q. The time when you start?

A. I don't enter the time on anything. There is a clock I have in the locker and I look at the clock. I don't make any entry of the time I start.

Q. But you make a note of it?

A. I make a note of the number of the job and keep mentally the time of the clock.

Q. And when you are done with the job you note the time by the clock again? A. Yes, sir.

Q. The word "punch" across there indicates the nature of the work you have been doing?

A. Yes, sir, that is the machine I am on.

Mr. FRANK.—We offer this in evidence and ask that it be marked "Corcoran Exhibit No. 1."

Mr. McCLANAHAN.—I object to it as being immaterial, irrelevant, incompetent, hearsay and not binding on the respondent.

(The card is marked "Corcoran Exhibit No. 1.")

[493—404]

Mr. FRANK.—I offer the clock card of August 28

(Testimony of Edward Corcoran.)

and ask that it be marked "Corcoran Exhibit No. 2."

(The card is marked "Corcoran Exhibit No. 2.")

Q. I show you a card here bearing the name Corcoran, under date of September 13th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, that is all mine with the exception of that red ink that has been put on by some other person, and this here also in black ink. All the pencil is my own.

Q. There are two numbers here changed in red ink, 5240 changed to 5294.

A. That was 5349 I put it down and it is changed to 94. That must be an error on my part getting the numbers reversed. I think that is the only way that can be accounted for. That sometimes occurs.

Q. Are you personally consulted about those changes? Does the timekeeper come to you?

A. Yes, sir.

Q. He comes down and goes over the matter with you? A. Yes, sir.

Q. He finds out what piece you were working on?

A. Yes, sir.

Mr. McCLANAHAN.—Mr. Frank, I object to your leading the witness in this way.

Mr. FRANK.—I am going to save time if I can.

Q. State whether or not he comes down to find out the piece you were working on.

A. Yes, sir. If there is any error in the number

(Testimony of Edward Corcoran.)

the timekeeper comes into the ship the next morning [494—405] and he asks me where I got that number; I look at the piece it comes from and if there is any error in it it is corrected.

Q. I notice here on this an entry “punch and shear.” What does that mean?

A. Well, that is segregated; this is the regular day’s work and this is the overtime. When we are working overtime they don’t keep the full force of the shop on and I presume that the man who operates the shears went home that evening and I operated the shears. There is a distinction made as to that overtime.

Mr. FRANK.—We offer that in evidence and ask that it be marked Corcoran Exhibit No. 3.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “Corcoran Exhibit No. 3.”)

Mr. FRANK.—Q. I show you a card here bearing the name Corcoran, under date of September 14, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, I made out that card. I made out all the pencil there. The red ink is made out by the timekeeper.

Q. I notice your name is in red ink.

A. Yes; sometimes in our rush away from work at night I make out the card and I omit to put my number on there; but the rest is all my writing. If

(Testimony of Edward Corcoran.)

we forget our name or number on a card it never is brought back for us to sign it, at least it has not been brought back to me yet.

Q. But the change in the job number would be made in the manner as you have already testified?

A. Yes, sir, made in that manner. [495—406]

Mr. FRANK.—I offer that in evidence and ask that it be marked Corcoran Exhibit No. 4.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “Corcoran Exhibit No. 4.”)

Mr. FRANK.—Q. I show you a card here bearing the name Corcoran, under date of September 15, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in?

A. Yes, sir, that was made out by me, except for that red ink there.

Q. And the red ink job number changed the same as before? A. Yes.

Q. In other words, that was the general practice?

A. That was the general practice, the rule. If there is any mistake in the number, or any difference, the timekeeper comes there the next day and has it rectified. He brings the card to you.

Mr. FRANK.—We offer this card in evidence and ask to have it marked “Corcoran Exhibit No. 5.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Corcoran Exhibit No. 5.”)

Mr. FRANK.—Q. I show you a card here bearing

(Testimony of Edward Corcoran.)

the name Corcoran, under date of September 16 and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in?

A. Yes, I made out that card. [496—407]

Mr. FRANK.—I offer the card in evidence and ask to have it marked Corcoran Exhibit No. 6.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Corcoran Exhibit No. 6.")

Mr. FRANK.—Q. I show you a card here bearing the name Corcoran, under date of September 17th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in?

A. Yes, I made out everything except the red ink of this, as I said before.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Corcoran Exhibit No. 7.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Corcoran Exhibit No. 7.")

Mr. FRANK.—Q. I show you a card here bearing the name Corcoran, under date of September 18, and ask you if that is a card made out by you in the manner in which you have indicated and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, I made out everything on there with the exception of course of the red ink.

(Testimony of Edward Corcoran.)

Mr. FRANK.—I offer this card in evidence and ask to have it marked Corcoran Exhibit No. 8.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “Corcoran Exhibit No. 8.”)

Mr. FRANK.—Q. I show you a card here bearing the name Corcoran, under date of September 20th, and ask you if that is [497—408] a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, all that is my writing with the exception of the red ink.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Corcoran Exhibit No. 9.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “Corcoran Exhibit No. 9.”)

Mr. FRANK.—Q. I show you a card here bearing the name Corcoran under date of September 21st, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, that is all my writing with the exception of the red ink.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Corcoran Exhibit No. 10.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Corcoran Exhibit No. 10.”)

Mr. FRANK.—Q. I show you a card here bearing

(Testimony of Edward Corcoran.)

the name Corcoran under date of September 21st, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, that is all mine with the exception of the ink marks there.

Q. How does it happen that these two cards are of the same [498—409] date?

A. There is only space here for a certain amount of numbers, and instead of crowding them on to one card it has been my policy to take two cards; that is the day work and this is overtime, and I put the overtime work on a separate card and working overtime I put down the different machines I work on, the shear, the counter-sink and the plane.

Q. In other words, one is the day card and other is the night card?

A. One is the day card and the other is the night card.

Q. The abbreviation "C. S. K." stands for counter-sink? A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Corcoran Exhibit No. 11.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked "Corcoran Exhibit No. 11.")

Mr. FRANK.—Q. I show you a card here bearing the name Corcoran under date of September 22, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is

(Testimony of Edward Corcoran.)

correct and that you knew it to be correct at the time you handed it in?

A. Yes, that is all mine with the exception of the ink marks.

Q. I notice on that card, the last number, there has been an erasure; is that all done in your handwriting and before you handed the card in originally?

A. That was my writing there and must have been my erasure.

Q. The new writing is your writing also?

A. Yes, sir. The underneath part that is partly erased, [499—410] that is mine.

Q. And the other writing that is over it, is that your writing also? A. This 5398?

Q. Yes. A. Yes, sir, that is my handwriting.

Q. And the words "punch," "overtime" and "night"? A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Corcoran Exhibit No. 12.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked "Corcoran Exhibit No. 12.")

Mr. FRANK.—Q. I show you a card bearing the name Corcoran, under date of September 23, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. That is all my writing with the exception of the ink marks.

(Testimony of Edward Corcoran.)

Q. I understand that all these cards are in your own handwriting, entered by you in the several dates which they bear, and were correct at that time except in such cases where changes were made in red ink. A. Yes, sir, that is right.

Q. And in those cases, they have been made by the timekeeper who made inquiries of you concerning them. A. Yes, sir.

Mr. FRANK.—I offer the card in evidence and ask to have it marked Corcoran Exhibit No. 13.

Mr. McCLANAHAN.—I make the same objection to it. [500—411]

(The card was marked “Corcoran Exhibit No. 13.”)

Mr. FRANK.—I offer the clock card and ask to have it marked Corcoran Exhibit No. 14.

(The card is marked “Corcoran Exhibit No. 14.”)

Q. Who is O. Hagland?

A. He is an employee over there who helped me for several years.

Q. Was he your helper at this time?

A. I could not state positively that he was. There was a change made. He was promoted to operating a machine. Whether he was helping me at that time I could not say.

Q. Would an inspection of the card aid you in saying whether that was the time he was helping you?

A. Possibly it might. No, he was not helping me then. That is his own.

Q. Those are his own cards?

(Testimony of Edward Corcoran.)

A. That card is; I don't know about the rest.
(After examining cards.) Those are his own cards.

Q. Well, we will have to bring him over here. I understood you to say he was your helper?

A. I did say it, but my memory was not as good then as it is now.

Q. Who was C. A. Brodie?

A. He was one of the shop employees there.

Q. In your department? A. Yes, sir.

Q. What has become of him?

A. He died last March.

Q. You know that he is dead?

A. Yes, sir, I saw him in the bed before he was removed, and I saw him several times at the undertaking parlors.

Q. Do you know his handwriting? A. Yes, sir.

Q. I show you a card marked "C A. Brodie," August 30, and ask you if you recognize his handwriting? [501—412]

A. To the best of my belief that is Mr. Brodie's signature. It is identically the same.

Q. What is that?

A. It is just the same as he signed his name. Yes, that is exactly the same as his writing.

Q. How about the body of the writing; have you any knowledge about that—I mean the entries?

A. These entries here?

Q. Yes, the job numbers and the hours worked; whether you have any knowledge of his writing in that respect.

A. Yes, sir, that is exactly the same as his writing.

(Testimony of Edward Corcoran.)

Q. Have you any doubt about it?

A. No, I have no doubt.

Q. Where have you seen his writing?

A. Well, one way is that he and I have worked together.

Q. How do you mean one way?

A. In slack time he has been helping me, when work would get slack over there, and I have made out my card and he has copied it right off mine when he was my helper; in that way I became familiar with his writing. That is one way.

Q. Is there any other way?

A. I have known him so long, for the past ten years.

Q. Have you worked alongside of each other for the past ten years?

A. Not every day; it will be nine years next November, I think, since he and I started to work over there, and we have been working together right along.

Q. And during that time have you frequently seen him making out his cards?

A. Oh, yes, very often, because him and me kept our cards together most of the time. And where I had seen his writing other places—I can't recall—he would often write things on the work we were on, write his name or some other fellow's name; while I was fixing the machine he would write it [502—413] with chalk.

Q. Then you have seen him make out his cards very frequently during the past 8 or 9 years?

(Testimony of Edward Corcoran.)

A. Oh, yes, very often.

Q. Look at these.

A. I saw one; will it be necessary to look at them all?

Q. Yes, look at them all.

A. Yes, I identify them.

Q. I show you another set with his name on; look at them also.

A. This is all his writing with the exception of that number; I am doubtful about that number.

Q. That is 5394?

A. That is 5394 changed to 5318.

Q. 5394 changed to 5318, under date of September 18th?

A. Yes; that change does not appear like his handwriting; but the rest on there is his.

Mr. FRANK.—The witness has been shown Brodie's cards of August 30, 31, September 1, 2, 11, 13, 14, 15, 17, 18, 20, 21 and 23; the last one to which he referred is under date of September 18. We offer these in evidence and ask that they be marked consecutively Corcoran Exhibit 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

Mr. McCLANAHAN.—We make the same objection to them.

(The cards are marked, respectively, "Corcoran's Exhibits 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.")

Mr. FRANK.—Q. Now I show you two clock cards of September 11th and September 25th, respectively, and ask you to look at the signature on

(Testimony of Edward Corcoran.)

those clock cards and state whether or not you recognize them as the signature of Mr. Brodie?

A. Yes, sir.

Mr. FRANK.—I ask that those clock cards be marked Corcoran's Exhibits 28 and 29, respectively.

[503—414]

(The two clock cards are marked respectively, "Corcoran's Exhibits 28 and 29.")

Cross-examination.

Mr. McCLANAHAN.—Q. Could you recognize Mr. Brodie's handwriting if it was not coupled with the signature that you saw?

A. I cannot recall that I have ever seen his handwriting otherwise than on these time-cards.

Q. So that the signature you know?

A. The signature I know.

Q. In seeing the signature coupled with the time-card is what enables you to testify to the body of the writing in the time-card? A. Yes, sir.

Q. It would be very difficult if you should see that writing shown in the body of the card off separately by itself, disassociated and disconnected with the signature—I say it would be very difficult for you to recognize it as his handwriting, would it not?

A. Well, I could not say that it would.

Q. The fact that his signature appears on the time-card and the fact that his time-card is shown you is of great assistance to you in enabling you to testify that the body of the card shows his handwriting?

A. Yes, sir, it is of some assistance.

Q. You spoke of putting down the machine on

(Testimony of Edward Corcoran.)

which you were working when you worked overtime, or at night; do you remember that?

A. Putting down the machine?

Q. Yes, that you were working on? A. Oh, yes.

Q. Why did you do that?

A. By request of the timekeeper.

Q. I call your attention to your card of September 14, which is "Corcoran Exhibit No. 4," and to the third number on that card, 4817, with a red ink figure "1" after it; do you know what that means?

A. Yes. [504—415]

Q. What does it mean?

A. That means the division of the job; it is a detail.

Q. And the next number on the card, 4858, with the figure 1 after it? A. That means division 1.

Q. Sometimes the job is divided up into a number of different divisions? A. Yes, sir.

Q. What is the 11-B-15, which I see in red ink at the head of your card—I guess it is 11-R, is it not, or is it 11-B, or is it 11-13 and 15? Do you know what that red ink entry is at the top of your card?

A. No, sir.

Q. Who puts it there, do you know?

A. I think the timekeeper puts it there.

Q. What is the number of your department?

A. You mean the shop we are working in?

Q. Yes.

A. The number is on the building but I could not say what it is.

Q. Oh, no, you misunderstand me. I understand

(Testimony of Edward Corcoran.)

that each department of the works has a separate number; for instance, the blacksmith's department is No. 309. Has your department, the department of puncher, any particular number?

A. I have not heard it. Do I understand you—let me get at what you want. You say this shop that I am working in has some particular number?

Q. I understand that each department in the shop has a particular number; for instance, Mr. Allen says that the department in which he works, the blacksmith's department, is No. 309. You were in the machine-shop, were you not?

A. No, it is what they call the boiler-shop.

Q. What is the boiler-shop number?

A. I don't know any number; I never heard that it has any. [505—416]

[Testimony of Robert H. Nickerson, for Libelant.]

ROBERT H. NICKERSON, called for the libelant, sworn.

Mr. FRANK.—Q. What is your business?

A. Well, I guess what you would call a handy-man—a little bit of everything.

Q. You are working over at the United Engineering Works? A. Yes, sir.

Q. And have been for some time?

A. Yes, sir.

Q. In what department?

A. I am working at painting now, at the drydock at present.

Q. Were you working there in September, 1909?

A. I can tell by my time-card.

(Testimony of Robert H. Nickerson.)

Q. I show you a card bearing the name Nickerson, under date of September 12, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct, and that you knew it to be correct at the time you handed it in.

A. Yes, sir; that is mine. I was working on the rolls at that time.

Q. Is that your handwriting? A. Yes, sir.

Q. That card was made out by you at that time?

A. Yes, sir.

Q. And passed into the office? A. Yes, sir.

Q. Was it correct at the time you made it out?

A. Yes, sir.

Q. Did you keep track of your time as you were working on each job? A. Yes, sir.

Q. And you entered it on the card?

A. I put it on the card every night. [506—417]

Q. How about the job numbers?

A. You take that off the job that comes in to you. It is all marked down with white lead, the number on each job.

Q. The numbers on the job in white lead and you take your number off and put it down?

A. Yes; take it right off of that.

Mr. FRANK.—I offer this card in evidence and ask to have it marked “Nickerson Exhibit No. 1.”

Mr. McCLANAHAN.—We object to it as immaterial, irrelevant and incompetent, hearsay, self-serving, and not binding on the respondent.

(The card is marked “Nickerson Exhibit No. 1.”)

(Testimony of Robert H. Nickerson.)

Mr. FRANK.—Q. I show you a card here bearing the name Nickerson, under date of September 24, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask to have it marked “Nickerson Exhibit No. 2.”

Mr. McCLANAHAN.—We make the same objection to that.

(The card is marked “Nickerson Exhibit No. 2.”)

Mr. FRANK.—Q. I now show you a card bearing the name Nickerson, under date of September 11th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. [507—418] A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Nickerson Exhibit No. 3.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked “Nickerson Exhibit No. 3.”)

Mr. FRANK.—I offer the clock cards of Nickerson, under date of September 11th and September 25th.

(The cards are marked, respectively, “Nickerson Exhibits 4 and 5.”)

Q. Who was Joe Perry?

A. He was a boy who run the engine for me, a helper.

Q. What engine was that?

(Testimony of Robert H. Nickerson.)

A. The engine that runs the rolls.

Q. Did you supervise his cards?

A. No, he copied them off the slate.

Q. Who entered them on the slate? A. I did.

Q. You entered them on the slate? A. Yes, sir.

Q. That is, you would enter the job number and the time on the slate?

A. Yes, sir, the hours or the half hours, or whatever it was.

Q. For both you and Perry? A. Yes, sir.

Q. After he took it off the slate would you supervise his cards to see if they were correct?

A. No, sir.

Q. How is that?

A. I would very seldom look at his cards. I would put it on the slate and he would copy it off the slate.

Mr. FRANK.—That is all.

Mr. McCLANAHAN.—No cross-examination.

(A recess was here taken until 2 P. M.) [508—419]

AFTERNOON SESSION.

[Testimony of P. Montgomery, for Libelant.]

P. MONTGOMERY, called for the libelant, sworn.

Mr. FRANK.—Q. Were you working over in the United Engineering Works in September, 1909?

A. I have been in the United Works for somewhere along about six years, all the time they had work.

Q. In what capacity?

A. I have been in most everything around; at that time I was working on a machine called the shearing-machine.

(Testimony of P. Montgomery.)

Mr. FRANK.—I suppose there is no objection to having it entered in the record that this witness is very deaf?

Mr. McCLANAHAN.—What is the object of it?

Mr. FRANK.—Well, I don't know. There may be some object afterwards. It is just so that the Court will know the condition under which the examination is taking place.

Q. Did you make out your own time-cards?

A. Yes, I make out my own time-card all the time.

Q. Did you make out your own time-card? Kept track of the hours worked on each number, on each job?

A. Yes, every job is numbered and the hours you work on each job.

Q. Where did you get the job numbers?

A. Well, I guess they came from the office in the first place.

Q. Where did you get your number that you put on your card?

A. On the plate that we worked on. Every plate we work on is numbered.

Q. How is it marked on there?

A. The same as we have it just on these cards.

[509—420]

Q. I mean is it painted on?

A. Yes, it is painted on.

Q. Now, I show you a card bearing the name of P. Montgomery, under date of September 2d, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is

(Testimony of P. Montgomery.)

correct and that you knew it to be correct at the time you handed it in? A. That is my card.

Q. Made out by you at that time?

A. Made out by me.

Q. Did you make it out correctly?

A. Well, I think so; yes, I think that is correct.

Q. I don't mean the addition; what I mean is you got the right job numbers on and the right time?

A. Yes, sir, we have no other guide to go by. We make that out as far as we possibly are allowed to do so. We are not allowed to put on any more time than we put on on the job.

Q. Then you pass it into the office, do you?

A. Yes, we passed it in every night. They were very strict about that. We have to hand it in at the office every night. You see, it is not for our information at all; it is for the company so that they can see what we are doing.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Montgomery Exhibit No. 1.

Mr. McCLANAHAN.—It is objected to as immaterial, irrelevant and incompetent, hearsay, self-serving and not binding on the respondent.

(The card is marked "Montgomery Exhibit No. 1.")

Mr. FRANK.—It is stipulated that the witness will testify concerning each of these cards the same as he has testified concerning Montgomery Exhibit No. 1. [510—421]

Mr. McCLANAHAN.—This stipulation is made on account of the deafness of the witness.

(Testimony of P. Montgomery.)

Mr. FRANK.—I offer this card in evidence and ask to have it marked Montgomery Exhibit No. 2.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Montgomery Exhibit No. 2.”)

Mr. FRANK.—And I offer this next card as Montgomery Exhibit No. 3.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Montgomery Exhibit No. 3.”)

Mr. FRANK.—I now show you a card here bearing the name of P. Montgomery, under date of September 14th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct, and that you knew it to be correct at the time you handed it in?

A. Yes, sir.

Q. There is a change in red ink from 5360 to 5389; who was that made by? A. That is a division.

Q. I don't mean the second one, I mean the first one, the change from 5360 to 5389.

A. That is 5389.

Q. Look at it and see. Are you sure of that?

A. I did not put the red ink on it. That is corrected.

Q. I ask you who did that?

A. I don't know. That is more than I could tell. There must be an error in that. It might be the wrong number. We don't use any red ink.

(Testimony of P. Montgomery.)

Mr. FRANK.—I offer this card in evidence and ask to have it marked Montgomery Exhibit No. 4.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Montgomery Exhibit No. 4.”)

Mr. FRANK.—Q. I show you a card here bearing the name of P. Montgomery, under date of September 15, and ask you if that [511—422] is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. That is my card.

Q. Look at the change of the number from 5383; it is changed to 5378. Do you know who made the change?

A. Well, we may put down the wrong number. If we make a mistake we have to put it down the right way. Sometimes we have to make up the cards after quitting time and we may happen to make a mistake, and then we have to put down the other number.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Montgomery Exhibit No. 5.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Montgomery Exhibit No. 5.”)

Mr. FRANK.—Q. Now, I show you a card here bearing the name of P. Montgomery, under date of September 16th, and ask you if that is a card made out by you in the manner in which you have indi-

(Testimony of P. Montgomery.)

cated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, that is mine.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Montgomery Exhibit No. 6.

Mr. McCLANAHAN.—We make the same objection to that.

(The card is marked “Montgomery Exhibit No. 6.”)

Mr. FRANK.—Q. Now, I show you a card here bearing the name of P. Montgomery, under date of September 17th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, that is my card. [512—423]

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 7.

Mr. McCLANAHAN.—We make the same objection to that.

(The card is here marked “Montgomery Exhibit No. 7.”)

Mr. FRANK.—Q. Now, I show you a card bearing the name of P. Montgomery, under date of September 18th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, that is mine.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 8.

(Testimony of P. Montgomery.)

Mr. McCLANAHAN.—We make the same objection to that.

(The card is here marked “Montgomery Exhibit No. 8.”)

Mr. FRANK.—Q. Now, I show you a card here bearing the name of P. Montgomery, under date of September 20, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, that is mine.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 9.

Mr. McCLANAHAN.—We make the same objection to that.

(The card is here marked “Montgomery Exhibit No. 9.”)

Mr. FRANK.—Q. I show you a card here bearing the name of P. Montgomery, under date of September 21, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have [513—424] it marked Montgomery Exhibit No. 10.

Mr. McCLANAHAN.—We make the same objection.

(The card is here marked “Montgomery Exhibit No. 10.”)

Mr. FRANK.—Q. I show you a card here bearing

(Testimony of P. Montgomery.)

the name of P. Montgomery, under date of September 23, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, that is mine.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 11.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Montgomery Exhibit No. 11.”)

Mr. FRANK.—Q. I now offer in evidence this clock card under date of September 25th, and ask to have it marked Montgomery Exhibit No. 12.

(The card is here marked “Montgomery Exhibit No. 12.”)

Q. I show you a card here bearing the name of P. Montgomery, under date of August 28, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir, that is mine.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 13.

Mr. McCLANAHAN.—We make the same objection to it.

(This card is here marked “Montgomery Exhibit No. 13.”)

Mr. FRANK.—Now, I offer this clock card of Au-

(Testimony of P. Montgomery.)

gust 28th and ask to have it marked Montgomery Exhibit No. 14.

(The card is here marked "Montgomery Exhibit No. 14.")

Q. Now, I show you a card bearing the name of P. Montgomery, [514—425] under date of September 4, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 15.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked "Montgomery Exhibit No. 15.")

Mr. FRANK.—Q. Now, I show you a card here bearing the name of P. Montgomery, under date of September 7th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 16.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked "Montgomery Exhibit No. 16.")

Mr. FRANK.—Q. Now, I show you a card here bearing the name of P. Montgomery, under date of

(Testimony of P. Montgomery.)

September 8, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 17.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Montgomery Exhibit No. 17.”)

Mr. FRANK.—Q. Now, I show you a card here bearing the name of P. Montgomery, under date of September 10, and ask you if [515—426] that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Montgomery Exhibit No. 18.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Montgomery Exhibit No. 18.”)

Mr. FRANK.—Q. I show here a card bearing name of P. Montgomery, under date of September 11, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Montgomery Exhibit No. 19.

(Testimony of P. Montgomery.)

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Montgomery Exhibit No. 19.”)

Mr. FRANK.—I also offer in evidence this clock card dated September 11th, and ask to have it marked Montgomery Exhibit No. 20.

(The card was here marked “Montgomery Exhibit No. 20.”)

Cross-examination.

Mr. McCLANAHAN.—Q. Who checks off your time-cards?

A. What do you mean by that? The time clerk in the office checks them off.

Q. You say the time clerk does?

A. The time clerk looks after that. We make these cards up; they look after the time.

Q. What department are you in—in the boiler department? A. Yes, sir.

Q. Have you no foreman?

A. Why certainly we have. [516—427]

Q. What is his name? A. Mr. Taylor.

Q. Was he the foreman in August and September, 1909?

A. Yes, he was. He has been there since ever I went there.

Q. The foreman never checks off your time?

A. No.

Q. It is not checked off until it is handed in to the office? A. No. Each man keeps his own time.

Q. I show you your card Exhibit No. 1, and ask

(Testimony of P. Montgomery.)

you what the writing is below "shears and punch."

A. Well, those are two different machines.

Q. No, you don't understand me. I say what is the writing below "shears" and "punch"?

A. That is the shop.

Q. Read it to me.

A. The shop number. It is inside in the boiler-shop. That is what it means.

Q. The phrase is "No." and the next one is "Shop"? A. But that is what it means.

Q. What does it mean?

A. It means working two machines in the shop, working on two different machines.

Redirect Examination.

Mr. FRANK.—Q. When you say "working two machines" do you mean the shears and the punch?

A. Yes. That is inside the shop, in the boiler-shop.

Q. Do you mean by two machines, the shears and the punch?

A. Yes, those are the two different machines; you charge up for the machines the time we are on them; we have to change from one machine to the other as it requires.

[Testimony of J. C. Gardener, for Libelant.]

J. C. GARDENER, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Gardener, you are an employee of the United Engineering Works? [517—428] A. Yes, sir.

Q. And have been for how long?

A. Pretty near 10 years. It will be ten years the

(Testimony of J. C. Gardener.)

first of next December.

Q. You were employed there in August and September, 1909? A. Yes, sir.

Q. In what department?

A. In the blacksmith department, an angle-turner and flanger. It is called an angle-smith.

Q. Did you keep your own time?

A. Yes, sir.

Q. At that time did you use a card to enter up your job numbers and the time you worked on the different jobs, the same as the other men?

A. Yes, sir.

Q. I show you a card here bearing the name of J. C. Gardener, under date of August 30, 1909, and ask you if that is a card made out by you in the manner in which you have indicated and whether it is correct, and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Q. Did you make those entries, the job numbers, and the time spent? A. Yes, sir.

Q. Were they correct at the time?

A. Yes, sir. We generally try to get it as correct as we can.

Q. Where did you get your job numbers from?

A. We always demand a job number when the job comes in the shop; most of the time it is marked on the job.

Q. Is your shop separate from Mr. Allen's?

A. Allen the blacksmith, you mean?

Q. Yes.

A. No; I work in the same department but I am

(Testimony of J. C. Gardener.)

not under him.

Q. You are not under him? A. No.

Q. The jobs come directly to you, do they?

A. Yes, sir. [518—429]

Q. You demand the job numbers from whom?

A. From whomever it comes from, from a fitter, or if it comes from the machine-shop they have to give me the job number and the division.

Q. Is that job number painted on the work as it comes in? A. Yes, on the work. That is the rule.

Q. Do you get a list of job numbers sent in to you from the office?

A. Well, on a new job we do. We have different divisions and different numbers for different jobs, whether it is machinist's work or fitters' work or any other kind of work, they have different divisions.

Q. I know that, but does a list come to you, directly from the office, with the job numbers?

A. No, sir, not unless there is a mistake. Sometimes they might make a mistake in putting the wrong number on and then you are notified from the office.

Q. They do notify you?

A. Yes, to change it. It happens sometimes.

Mr. FRANK.—I offer in evidence this time-card and ask that it be marked Gardener Exhibit No. 1.

Mr. McCLANAHAN.—We object to it as being immaterial, irrelevant and incompetent, hearsay, self-serving and not binding on the respondent.

(The card is here marked "Gardener Exhibit No. 1.")

(Testimony of J. C. Gardener.)

Mr. FRANK.—Q. I now hand you a card bearing the name of Gardener under date of September 7, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Q. By that you mean that that is a card entered by you at that time and in the manner you have just specified? A. Yes, sir. [519—430]

Q. I see under “Piece number” here, the words “Division 38”; what does that mean?

A. What is that for—for angle rings?

Q. Yes.

A. Well, that is Division 38; I suppose a different contract or a different order. It goes into a different department of the ship.

Q. Where did you get the number from, “Division 38”?

A. Oh, that must have been on the templates. That is all we have to go by; they just write it with a piece of chalk or a crayon or with pencil. Sometimes they might have omitted the division and gave it to me afterwards, and then I would have to fill it out myself.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Gardener Exhibit No. 2.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 2.”)

Mr. FRANK.—Q. I now show you here a card

(Testimony of J. C. Gardener.)

bearing the name of Gardener, under date of September 8, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, that is mine.

Q. Entered in the same way? A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Gardener Exhibit No. 3.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 3.”)

Mr. FRANK.—Q. I show you a card here bearing the name of Gardener, under date of September 10, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be [520—431] correct at the time you handed it in.

A. Yes, sir.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Gardener Exhibit No. 4.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 4.”)

Mr. FRANK.—Q. I show you here a card bearing the name of Gardener, under date of September 11, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the

(Testimony of J. C. Gardener.)

time you handed it in. A. Yes, sir.

Q. I notice on that card a change in red ink of the number 5318, I think it is, to 5394. Do you know why that was done?

A. Well, that might have been a case where the job number was wrong. Of course we put it on the way it was on the work.

Q. Do you know who made the change?

A. The timekeeper generally comes when there is anything wrong or that does not correspond with the job numbers. Sometimes the boss might give us a job number and there would be a change in the office and they would have to change it; he will fetch the card over to me and show it to me.

Q. He will fetch it over to you and show it to you and ask you for the piece to investigate it?

A. He will ask me where I got that number, and I will say the job number is so and so. I don't remember any more about that, but that is what they generally do.

Q. You don't remember the particular instance?

A. No.

Q. But that is the course that is pursued in the office? A. Yes, sir. [521—432]

Q. He would come over and check it up?

A. Yes, he would fetch the card in the shop and want to know who gave me the number, who was working on the same job. We generally put it on the blackboard as we get the work and then in the evening we figure it up and make out the time, so that we don't forget it. If we put the iron in the

(Testimony of J. C. Gardener.)

fire and destroy the mark on it we have to keep tally on it.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Gardener Exhibit No. 5.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 5.”)

Mr. FRANK.—I offer this clock card of date September 11, 1909, and ask to have it marked Gardener Exhibit No. 6.

(The card is here marked “Gardener Exhibit No. 6.”)

Q. I now show you a card here bearing the name of Gardener, under date of September 12, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Yes, that is my writing. It is easy to identify it.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Gardener Exhibit No. 7.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 7.”)

Mr. FRANK.—Q. I now show you a card here bearing the name of Gardener, under date of September 13, and ask you if that is a card made out by you in the manner in which you have indicated, and

(Testimony of J. C. Gardener.)

whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Q. Entered by you in the same way as you have testified heretofore? [522—433] A. Yes, sir.

Mr. FRANK.—We offer this in evidence and ask that it be marked Gardener Exhibit No. 8.

Mr. McCLANAHAN.—We make the same objection.

(The card is here marked “Gardener Exhibit No. 8.”)

Mr. FRANK.—I now show you a card here bearing the name of Gardener, under date of September 14, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. Yes, sir.

Q. I notice there is a change there in red ink; was that made in the same way?

A. Yes, the job number.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Gardener Exhibit No. 9.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 9.”)

Mr. FRANK.—Q. I now show you a card here bearing the name of Gardener, under date of September 15, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

(Testimony of J. C. Gardener.)

A. Yes, sir, that is correct.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Gardener Exhibit No. 10.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 10.”)

Mr. FRANK.—Q. I now show you a card here bearing the name of Gardener, under date of September 16, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be [523—434] correct at the time you handed it in?

A. Yes, but there is a change in the job number.

Q. How is that? How is that change made? Is it made in the same way as you have heretofore testified?

A. It must have been made in the same way.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Gardener Exhibit No. 11.

Mr. McCLANAHAN.—We make the same objection.

(The card is here marked “Gardener Exhibit No. 11.”)

Mr. FRANK.—Q. Now, I show you a card bearing the name Gardener, under date of September 18, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

(Testimony of J. C. Gardener.)

A. Yes, sir, that is mine, all right.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Gardener Exhibit No. 12.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Gardener Exhibit No. 12.”)

Mr. FRANK.—Q. I now show you a card here bearing the name of Gardener, under date of September 20, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in?

A. That is all right except this one here which was changed, a change in the job number.

Q. What do you mean? You have testified how those changes were made—is it the same?

A. Yes, sir. Sometimes we get the job number mixed up, or in different divisions, or in different jobs; the timekeeper comes around and straightens it out. [524—435]

Q. The timekeeper comes around and straightens it out?

A. Yes, sir; sometimes you are doing different work for the same job, or sometimes a different number; there is a change in the number. Sometimes a man might make a mistake, or the helper might.

Mr. FRANK.—We offer this card in evidence and ask to have it marked Gardener Exhibit No. 13.

Mr. McCLANAHAN.—We make the same objection.

(Testimony of J. C. Gardener.)

(The card was here marked "Gardener Exhibit No. 13.")

Mr. FRANK.—Q. I show you here a card bearing the name of Gardener, under date of September 23, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in? A. That is right.

Mr. FRANK.—We make the same offer of this card and ask that it be marked Gardener No. 14.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked "Gardener Exhibit No. 14.")

Mr. FRANK.—Q. I understand that all these cards are in your own handwriting, entered by you on the several dates which they bear, and were correct at that time, except in such cases that changes were made in it in red ink? A. Yes, sir, that is right.

Q. And in those cases they have been made by the timekeeper who made inquiries of you concerning the conditions? A. Yes, sir.

Mr. FRANK.—I offer this clock card of date September 25th, and ask to have it marked Gardener Exhibit No. 15.

(The card is marked "Gardener Exhibit No. 15.")

Q. Who was H. Mockel?

A. He is a man who was helping me at that time; he is not there any more. [525—436]

Q. He was your helper at that time?

A. Yes, sir.

(Testimony of J. C. Gardener.)

Q. Did you supervise his cards? A. Yes, sir.

Mr. McCLANAHAN.—Now, Mr. Frank, I must object to your leading the witness and suggesting to him what you wish.

Mr. FRANK.—I think that is perfectly legitimate questioning, Mr. McClanahan, under the circumstances.

Mr. McCLANAHAN.—I don't know that the circumstances are peculiar or are such that would admit of your leading the witness.

Mr. FRANK.—There are some questions that are admissible in that way; at any rate we will not stop to discuss the matter now.

A. (Continuing.) We generally worked on the same job and we had to enter our work on the same numbers, that is, unless one man might make a mistake and put the wrong number on for the same job; the timekeeper knows we work together and we are supposed to have the same numbers on the same cards.

Q. When he entered his cards up did you look over his cards to see that they were correct?

A. Generally we put every job number on the blackboard and put the time behind it to make the eight hours, or the nine hours.

Q. And did you enter it up together in the evening so that you saw that his entries were correct?

Mr. McCLANAHAN.—I object to that as leading and suggestive.

Mr. FRANK.—Well, perhaps it is.

A. Generally when we got through in the evening

(Testimony of J. C. Gardener.)

the boys would say, "We will make up our time," and we would put it down on the blackboard so the boys could copy it and all get it alike.

Q. How many were working with you?

A. Two men. [526—437]

Q. Mockel and who else?

A. Mockel and Hagland. He has been working over there for the last 5 or 6 years.

Q. You all three worked together on the same job?

A. Yes, sir.

Q. What was Hagland? A. He was a helper.

Q. A helper of yours?

A. Yes, a helper. It is very seldom that our time is different, very seldom that any of the men's time is different unless they happen to have a little job by themselves different from some other job.

Q. What I want to get at is this: As I have understood you, you put the number and kept the time on the blackboard? A. Yes, sir.

Q. For all three of you? A. Yes, sir.

Q. And in the evening you all copied it from the blackboard and entered it on your cards?

A. Yes, sir.

Q. What I want to get at is, did you see to it that Mockel and Hagland entered theirs correctly?

Mr. McCLANAHAN.—I object to that as suggestive and leading. The witness can state what he did in connection with their cards.

A. Well, as a general rule, sometimes if I made my card first I gave them my card; I would throw my card in the box and they would copy off of mine, but

(Testimony of J. C. Gardener.)

they had it on the blackboard there and they could have taken it off the blackboard just as well. I don't think there was much chance for them to make mistakes. They took the numbers off the jobs as soon as they came in the shop and entered them on the blackboard. The first thing we did was to look at the number. We didn't want to do any work unless we knew the number because we had to account for our time.

Q. Do you know where Mockel is? [527—438]

A. I think he is working for Goldberg & Bowen, driving. He has been driving for them. I don't know whether he is there now, or not.

Q. How long ago did you know him to be there?

A. He has been gone quite a while; he had been working for Goldberg & Bowen before he worked in our shop and he went back there again.

Q. When did you last see him?

A. I don't think I have seen him for six months. I saw him on the wagon at that time.

Cross-examination.

Mr. McCLANAHAN.—Q. Mr. Gardener, I call your attention to your card of September 7, being your Exhibit No. 2, and ask you why you did not on that card put down the character of the work which you performed under job No. 5318?

A. I generally do put it down. If I knew just exactly where it goes I would put it down, but sometimes I might make a lot of angle bars, and I suppose they were angle bars all the way through that day—it was furnace work; when we run a lot of

(Testimony of J. C. Gardener.)

angle bars, I suppose that stands for the whole job. We were doing angle work all that day.

Q. That is to say, the entry opposite 4858, angle rings, applies to 5318. Does it apply to that number?

A. I don't know whether we made any rings that day. I suppose we did.

Q. As a matter of fact you don't know what you made that day, for 5318, do you?

A. I could not remember that any more now.

Q. You don't know why you put it down?

A. I suppose the whole job was of that kind of work.

Q. What kind of work? A. Angle rings.

Q. That is simply your supposition now—you don't know? [528—439]

A. That is what we generally put down. When we run a lot of angle bars through the furnace, we work all day on that.

Q. You recognize that this work is two years old now and you cannot remember just what work was done?

A. No, I could not remember it. But when we have the furnace going we generally work on that kind of work.

Mr. FRANK.—What is the number of that exhibit?

Mr. McCLANAHAN.—His exhibit No. 2.

Q. I show you the card of September 13, being your Exhibit No. 8, and ask you what was the work done under No. 5398?

(Testimony of J. C. Gardener.)

A. I think that belongs to the same job as this is. I think that one hour we worked on this job and then we worked overtime 3½ hours on another job.

Q. I want to know what work was done under job No. 5398? Don't guess at it if you don't remember?

A. I don't remember.

Q. You don't remember it? A. No.

Q. What work was done under job 5360, if you know? If you don't know just say so?

A. I don't know that any more; I don't remember it any more.

Q. What work was done under job No. 5346, appearing on the right-hand side of the card. You don't know that either, do you?

A. No, I don't remember that.

Q. Is it customary, Mr. Gardener, to omit the character of the work that you are doing under the different job numbers?

A. Well, if we do a certain kind of work why sometimes I put that on to stand for both, to stand for both if it is that kind of work we are doing on it.

Q. Both of what?

A. Well, for shoes, or for something like that, you know; we put a dash underneath it and it means the same kind of work. [529—440]

Q. You are pointing now to 5394, four hours, shoes?

A. Yes, sir. Sometimes we make a dash underneath that and it means the same kind of work as the other.

Q. You didn't do that in this case, you didn't ditto

(Testimony of J. C. Gardener.)

the shoes for 5398, 5360 and 5346, did you?

A. Well, I don't know. It looks like here as if there was a dash in there, or some mark in there. It is my writing all right.

Q. Who checks up this work that you do—anyone?

A. We get the numbers and we enter it on the cards and the timekeeper takes it from our cards.

Q. The card I have been examining you, your Exhibit No. 8, was passed in to the timekeeper, was it?

A. Yes, sir.

Q. Have you a foreman in your department?

A. Yes, sir.

Q. Does the foreman see your card? A. No.

Q. You pass it directly to the timekeeper?

A. Yes. We drop it in a box as we go out in the evening.

Q. You drop it in a box? A. Yes, sir.

Q. You keep your own time? A. Yes, sir.

Q. I understand you have a blackboard on which you enter the number when it comes in?

A. Yes. We write it generally on the furnace. We have a long furnace, about 30 feet long.

Q. Each man writes on the furnace?

A. Well, either one. If a new number comes in, a new job, we put on the furnace what it is.

Q. Is that all you put on the furnace, just the number of the job?

A. The number of the job and the kind of work there is, and then when we get through with the job we enter the time on it.

Q. How often do you enter time that you work on

(Testimony of J. C. Gardener.)

the job on this furnace? At night after you are finished? [530—441]

A. No, through the day. Sometimes we have so many different jobs coming in between that we will have to stop on one job and pick up something else that is in more of a hurry.

Q. How do you keep track of it?

A. We have to keep track of the time by putting it down.

Q. How do you enter it on the furnace? What do you use in putting it down? A. Chalk.

Q. Each man uses chalk? A. Yes, sir.

Q. Each man writes his own time?

A. No, it is for the three of us.

Q. Who does the writing?

A. I generally do, or some of the helpers.

Q. Sometimes the helpers do it? A. Yes, sir.

Q. You don't make any time mark on the furnace when you start the work, do you?

A. I generally have my watch with me and I consult my watch; and there are a couple of watches hanging around the shop and we can see the time from them.

Q. Suppose you are working on job 5295 and another job comes in, 5318, and you stop the 5295 and take up 5318?

A. Then we see the time we leave off on it.

Q. How do you mark the time that you leave off on 5295?

A. Oh, we mark it on the furnace or we memorize it.

(Testimony of J. C. Gardener.)

Q. And when you get 5318 you take up 5295 again? A. Yes, sir.

Q. And you sometimes remember those, do you?

A. Yes, sometimes if it is a small job coming in between, or if it happens to be an old job and not very much in a hurry.

Q. How do you carry out the keeping of time the next day?

A. Well, sometimes we only work an hour on a job during the evening, or so, and maybe it only takes an hour or two hours [531—442] to finish it, then we put it on the next day.

Q. Do you use this furnace as a blackboard and rub the other marks off? A. Yes, rub them off.

Q. What do you rub them off with?

A. It is easy to rub them off, rub it with a rag. It is soft chalk.

Q. That is the method that is pursued in the blacksmith department?

A. Yes, sir. Some have a piece of iron they put it on. But that is the most handy, right where we are working all the time, just chalk it down.

Q. You are not a foreman, are you? A. No.

Q. You have not seen these cards that you have identified since they were turned in, have you?

A. No.

Q. And it is two years ago? A. Yes, sir.

Q. You have not any independent recollection of the work done at all?

A. No, I could not tell any more what really was done on a job.

(Testimony of J. C. Gardener.)

Redirect Examination.

Mr. FRANK.—Q. I ask you to examine this card, Exhibit No. 8, and tell me to which of those numbers on the bottom there that overtimes applies, and how much the overtime is on that number.

A. I don't know—360, what job was that, what is that number; is that 5360?

Q. You are the man who is testifying; if you don't remember, just say so. On one side is 5346 and on the other side is 5360. I want to know whether the overtime applies to 5346 over there or 5360 over here. You wrote that down, did you not? A. Yes, sir.

Q. When you wrote it down which one of those did you intend that overtime to apply to?

A. I could not tell any more. I [532—443] could not remember.

Q. Did you make that line from over here?

A. I believe I did.

Q. Did you make that circle around the one-half?

A. It looks like it; sometimes we get a job like that working on a drydock, or working overtime on a ship, and not in the shop at all.

Q. Wherever you were working, what I want to find out is whether or not you know or can tell from that card whether or not that overtime belonged to 5346 or 5360, and if so, whether it was one-half an hour or three and one-half hours?

A. It was 3½ hours.

Q. Belonging to which number?

A. It looks like it belonged to this.

(Testimony of J. C. Gardener.)

Q. You say it looks like—you don't know, do you?

A. No, I don't know.

[Testimony of S. Hagland, for Libelant.]

S. HAGLAND, called for the libelant, sworn.

Mr. FRANK.—Q. What was your work over at the United Engineering Works in September, 1909?

A. I was helper.

Q. Helper to whom? A. Charlie Gardener.

Q. How did you keep your time?

A. I kept it the same as he did, I put the same thing on.

Q. When a piece came in, where would you get your number from?

A. I got it from the shell-plates; they put the numbers on a piece; they put the numbers on every piece.

Q. And you would get the number there?

A. Yes, sir.

Q. What was done with it when it came in, with reference to [533—444] writing it down somewhere to remember it by? A. What do you mean?

Q. I mean, did you make any record of it on a blackboard, or anything like that?

A. We would put it on a piece of plate, and then we would take it at night and put it on the card.

Q. How did you keep your time?

A. What do you mean—on the time-cards?

Q. No, before you put it on the time-card?

A. We put it on the furnace during the day and then at night we put it on the card.

Q. That is, as you went along with your work,

(Testimony of S. Hagland.)

every time you had a job and the job was finished you put down the number of hours on the furnace: was that it? A. Yes, sir.

Q. And then took that from the furnace to the card at night? A. Yes, sir, and put it in the office.

Q. And put the card in the office at night?

A. Yes, put the card in the office.

Q. I show you a card here bearing the name S. Hagland, under date of August 30th, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. Well, I have the "9" below the "3" there.

Q. That is not what I am asking you about at all. I am asking you if you made out this card, is that in your handwriting? A. That is my "9" there.

Q. Is that your "3" underneath there?

A. Yes, sir.

Q. And the job numbers and the time worked?

A. Yes, sir.

Q. And were those put down, these job numbers and the time worked on that day, in the way in which you say you kept your time? A. Yes, sir.

[534—445]

Q. Was that correct at that time?

A. Supposed to be, yes.

Q. And you so handed it in to the office?

A. Yes, sir.

Q. You say it is supposed to be correct?

A. Yes, sir.

(Testimony of S. Hagland.)

Q. It was just the way you had it on the board?

A. Yes, sir. There is a "9" below there, but that don't figure; there is a line there.

Q. You did not put the "9" on, did you?

A. Yes, I put the "9" on.

Q. That is the addition?

A. Yes, sir; the addition; that is, it is figured there. That is August, is it?

Q. Yes, August 30th. A. Yes.

Mr. FRANK.—I offer this card bearing the name of S. Hagland, under date of August 30, in evidence, and ask to have it marked S. Hagland, Exhibit No. 1.

Mr. McCLANAHAN.—We object to it as immaterial, irrelevant, incompetent, hearsay and self-serving and not binding on the respondent.

(The card is marked "S. Hagland Exhibit No. 1.")

Mr. FRANK.—Q. Now, I show you here a card bearing the name of S. Hagland, under date of September 7, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in? And I ask you if that is your card, written out by you in the same way—

A. (Intg.) In the same way.

Q. In the same way that you have just testified to concerning the other card?

A. Well, I didn't put the red numbers down.

Q. Let us see.

A. The red numbers, the red marks. [535—446]

Q. You did not put the red numbers on; I mean the

(Testimony of S. Hagland.)

lead pencil numbers? A. Yes, that is mine.

Q. And done in the same way that you have testified about the other cards—is that right?

A. Yes, the same thing.

Mr. FRANK.—I offer this in evidence, and ask to have it marked S. Hagland, Exhibit No. 2.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “S. Hagland Exhibit No. 2.”)

Mr. FRANK.—I now show you a card here bearing the name S. Hagland, under date of September 8th, and ask you if that is a card that was in your handwriting and done at that time, in the same that you have testified to about the other cards, and if it is correct or was correct at the time that you passed it in, and knew it to be correct at that time.

A. Yes, that is mine.

Q. You say that is yours? A. Yes, sir.

Q. How about the rest of the question I have asked you, was it made in the same way?

A. The same way.

Q. And did you know it to be correct at the time?

A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask to have it marked S. Hagland Exhibit No. 3.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “S. Hagland, Exhibit No. 3.”)

Mr. FRANK.—Q. I now show you a card bearing

(Testimony of S. Hagland.)

the name S. Hagland, under date of September 10, and ask you if that card was written by you at that time? A. Yes, except the red.

Q. And was it written in the same way you testified about the first card? [536—447]

A. The same way.

Q. And passed in as correct? A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask to have it marked S. Hagland Exhibit No. 4.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “S. Hagland Exhibit No. 4.”)

Mr. FRANK.—Q. I now show you a card bearing the name of S. Hagland, under date of September 11th and ask you if that is in your handwriting and if it was made out by you on that date, in the same manner that you testified to concerning the first card, and if it was correct at that time.

A. Well, there might be something wrong with the spelling. I can make out what the pieces are, and things like that.

Q. I am not asking you about the spelling. There is a change in red ink in one of the numbers; what can you say about that, how was that made—do you know?

A. It looks like it was scratched out; I had 15 on and he put 94.

Q. Who is he?

A. He must be the timekeeper, I guess.

(Testimony of S. Hagland.)

Q. Did the timekeeper come down and ask about those numbers?

Mr. McCLANAHAN.—I object to that as suggestive.

A. Oh, yes, he was there. The timekeeper comes around the next morning if there was anything wrong. He must have put those on.

Q. What did he come around to do?

A. Ask certain questions, if there is anything wrong, and I guess he would change it.

Q. What does he usually do about changing numbers that way, what does he usually ask you?

A. Well, he asked Charlie.

Q. Who is Charlie?

A. Charlie, my foreman. I was helping [537—448] him. Charlie Gardener. Has he not got on the same card the same thing?

Q. I don't know. You were helper to Charlie Gardener? A. Yes. What date is that?

Q. That is September 11? A. Yes.

Mr. FRANK.—I offer this card in evidence and ask to have it marked S. Hagland Exhibit No. 5.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "S. Hagland Exhibit No. 5.")

Mr. FRANK.—I offer this clock card in evidence, of date September 11, and ask to have it marked S. Hagland Exhibit No. 6.

(The card is marked "S. Hagland Exhibit No. 6.")

Q. I now show you a card bearing the name of S. Hagland, under date September 12, and ask you if

(Testimony of S. Hagland.)

that was a card made out by you in the manner in which you have indicated, and whether it is correct, and that you knew it to be correct at the time you handed it in.

A. Yes, sir; but he changed the numbers.

Q. It is all in your handwriting except the red ink?

A. Yes, that is it.

Q. And done in the same way as you have testified to before—is that right?

A. Yes. I did not put the occupation on the top there.

Mr. FRANK.—I offer this card in evidence and ask to have it marked S. Hagland Exhibit No. 7.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “S. Hagland Exhibit No. 7.”)

Mr. FRANK.—I now show you a card bearing the name of S. Hagland, under date of September 13, and ask you if that is a [538—449] card made out by you in the manner in which you have indicated, and whether it is correct, and that you knew it to be correct at the time you handed it in.

A. Yes, sir; that is my pencil writing.

Mr. FRANK.—I offer this card in evidence and ask to have it marked S. Hagland Exhibit No. 8.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “S. Hagland Exhibit No. 8.”)

Mr. FRANK.—I now show you a card here bear-

(Testimony of S. Hagland.)

ing the name of S. Hagland, under date of September 14, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct, and that you knew it to be correct at the time you handed it in.

A. Yes, the pencil writing is mine.

Mr. FRANK.—I offer that card in evidence and ask to have it marked S. Hagland Exhibit No. 9.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked "S. Hagland Exhibit No. 9.")

Mr. FRANK.—I now show you a card here bearing the name of S. Hagland, under date of September 15, and ask you if that is a card made out by you in the manner in which you have indicated and whether it is correct, and that you knew it to be correct at the time you handed it in. A. Yes, sir, that is right.

Q. That card was made out by you?

A. Yes, except the red marks.

Q. That is, in the same way as you have testified to concerning the first card? A. Yes, sir.

Q. And it was correct at the time? A. Yes, sir.

Mr. FRANK.—I offer this card in evidence and ask to [539—450] have it marked S. Hagland Exhibit No. 10.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "S. Hagland Exhibit No. 10.")

Mr. FRANK.—Q. I now show you a card here

(Testimony of S. Hagland.)

bearing the name of S. Hagland, under date of September 16, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct, and that you knew it to be correct at the time you handed it in.

A. Yes, the same.

Mr. FRANK.—I offer this card in evidence and ask to have it marked S. Hagland Exhibit No. 11.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "S. Hagland Exhibit No. 11.")

Mr. FRANK.—Q. I now hand you a card bearing the name of S. Hagland, under date of September 18, and ask you if that is a card made out by you in the manner in which you have indicated and whether it is correct and that you knew it to be correct at the time you handed it in. A. The same.

Mr. FRANK.—We offer this card in evidence and ask that it be marked S. Hagland Exhibit No. 12.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "S. Hagland Exhibit No. 12.")

Mr. FRANK.—Q. I now show you a card bearing the name of S. Hagland, under date of September 20, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in.

A. I make the same answer to that.

(Testimony of S. Hagland.)

Mr. FRANK.—We offer the card in evidence and ask to have it marked S. Hagland Exhibit No. 13. [540—451]

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “S. Hagland Exhibit No. 13.”)

Mr. FRANK.—Q. I now hand you a card bearing the name of S. Hagland, under date of September 23, and ask you if that is a card made out by you in the manner in which you have indicated, and whether it is correct and that you knew it to be correct at the time you handed it in. A. The same answer.

Mr. FRANK.—I offer this card in evidence and ask to have it marked S. Hagland Exhibit No. 14.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “S. Hagland Exhibit No. 14.”)

Mr. FRANK.—I now offer a clock card, dated September 25, 1909, and ask to have it marked S. Hagland Exhibit No. 15.

(The card is here marked “S. Hagland Exhibit No. 15.”)

(An adjournment was here taken until to-morrow, Tuesday, August 29, 1911, at 9:30 A. M.) [541—452]

Tuesday, August 29th, 1911.

S. HAGLAND, recalled, cross-examination.

Mr. McCLANAHAN.—Q. Mr. Hagland, I would like to have you tell me in detail what was done with

(Testimony of S. Hagland.)

the piece of work when it came before you in the department in which you worked.

A. What was done—how do you mean?

Q. Well, with reference to its number and how it was kept track of, with reference to the time that you worked on that particular piece, and with reference to your time-card in connection with that particular piece. I want you to tell me in detail now the whole process that you went through with.

A. The foreman put the numbers on, or gave us the numbers, and he had a foreman by the name of Gus Sjoberg—Gus Sjoberg was the second foreman; and he put the numbers on the piece, and we took the numbers for the piece.

Q. And what do you do with the numbers?

A. We use the numbers and put it on the time-cards at night.

Q. When the piece first comes into your hands in the morning, it has a number on it?

A. Yes, sir. We took the number and put it on the furnace or a piece of shell-plate, and leave it stay there during the day.

Q. Stop right there for a moment. By the use of the word “we” who do you refer to?

A. Who was working on it?

Q. Who was working on it.

A. There were three of us.

Q. Who were they?

A. Charlie Gardner, me and Oscar—some other helper there; I have forgotten his name. [542—453]

Q. Was it not Mockel? A. Yes, sir.

(Testimony of S. Hagland.)

Q. Who put the number on the furnace or the piece of shell-plate, you or Mockel or Gardner? Sometimes you? A. Sometimes all of us.

Q. Any particular man? A. No, sir.

Q. That is, you might put it on sometimes?

A. Yes, sir.

Q. Mockel might put it on? A. Yes, sir.

Q. Or Gardner might put it on? A. Yes, sir.

Q. By putting the number on the shell-plate you mean you take a piece of chalk—

A. Or soapstone or something.

Q. —and mark the number on this improvised blackboard? A. Yes, sir.

Q. Before commencing work on that particular piece, the number of which you had put on the furnace or shell-plate, did you put anything else on the furnace or shell-plate?

A. Just took the number and put it on.

Q. I ask you if you put anything else besides the number before you commenced to work?

A. No, sir.

Q. So that you had before you on the shell-plate simply the number in chalk? A. Yes, sir.

Q. On the furnace or shell-plate? A. Yes, sir.

Q. You go on and work on that piece during the day, do you? A. Yes, sir.

Q. Now, at the end of the day's work have you put anything else on the board? A. Yes, sir.

Q. What else? A. The name of the piece.

Q. You put that on before you commence work?

A. The number; yes.

(Testimony of S. Hagland.)

Q. Do you put anything else on the board, on the shell-plate or furnace during the day?

A. Sometimes; yes. [543—454]

Q. What do you put sometimes?

A. The name of the piece, too.

Q. The name of the work?

A. The name of the piece. There are certain names on the piece for the furnaces or boilers, whatever you work on.

Q. That is, you put sometimes on the furnace of shell plate, in addition to the number, the character of the work you are doing; is that right?

A. Yes, sir.

Q. You do not do that always, do you?

A. We have got to do it at nights anyhow.

Q. At night when you have finished the work you have got to do it? A. Put it on the card.

Q. No. I am talking about the shell-plate or furnace; do you always put the character of the work on the shell-plate or the furnace during the daytime?

A. No, sir, not always.

Q. Not always? A. No, sir.

Q. Now, is there anything else that you put on the furnace or shell-plate during the daytime except the number and sometimes the character of the work?

A. Yes, sir.

Q. What else is there?

A. The name of the piece.

Q. That is the character of the work, is it not?

A. Yes, sir.

Q. Is there anything else besides the name of the

(Testimony of S. Hagland.)

piece, the number that you put on the shell-plate or the furnace during the daytime?

A. The character—what would that be?

Mr. FRANK.—Q. Do you want to know what he means by the word “character”? A. Yes, sir.

Mr. McCLANAHAN.—Q. I change the expression. I say, is there anything besides the name of the piece that you are working on, and that number, that goes on the furnace of shell-plate in the daytime? A. No, sir. [544—455]

Q. Nothing else?

A. Except the number and the name that goes on the card.

Q. Not on the card.

A. Goes on the shell-plate; the furnace first and then the card.

Q. We will get to the card in a minute. We are talking about the shell-plate and the furnace now. Nothing goes on the shell-plate or furnace except the number and the name of the piece; is that correct?

A. Yes, sir.

Q. At the end of the day's work you have perhaps on the shell-plate or furnace several numbers, and the names of the respective pieces under those numbers?

A. Yes, sir.

Q. Now, what do you do? The day's work is done; what do you do?

A. Take the card, and put it on the card.

Q. By the card you mean the time-card?

A. Yes, sir.

Q. You take the card and put on the card the num-

(Testimony of S. Hagland.)

ber of the piece? A. Yes, sir.

Q. And the name of the piece? A. Yes, sir.

Q. And what else? A. Put it in the office.

Q. Don't you put something else on the card?

A. The name.

Q. You put your name on the card?

A. Yes, sir.

Q. Anything else? Don't you put the time you work on each piece? A. The number of hours, yes.

Q. Where do you get that time from?

A. From the timekeeper.

Q. The timekeeper in the office?

A. What do you mean, the hours?

Q. I mean the hours that you work on each piece, where do you get that from in order to put on the card? A. Charlie Gardner, he tells us.

Q. He tells you what? [545—456]

A. Put so much on each piece.

Q. He tells you to put so many hours on this piece? A. Yes, sir.

Q. And so many hours on the next piece?

A. Yes, sir.

Q. And so many hours on the next piece?

A. Yes, sir.

Q. Do you know where he gets the time from, the hours? A. On each piece, do you mean?

Q. Yes. A. He gets it from the clock.

Q. You guess that is where he gets it from. You don't know, do you? A. Yes.

Q. Yes, what? You do know or you don't know?

A. Yes.

(Testimony of S. Hagland.)

Q. Yes, what? A. I know it.

Q. You know it? A. Yes, sir.

Q. He gets it from the clock? A. Yes, sir.

Q. You don't keep time yourself, do you?

A. From the clock, do you mean?

Q. Yes. A. Sometimes, yes.

Q. And sometimes you don't? A. Yes, sir.

Q. Sometimes you do and sometimes you don't?

A. Yes, sir. Sometimes it gets smashed up.

Q. What gets smashed up? A. The clock.

Q. Then how do you keep time when the clock gets smashed up? A. We guess at it sometimes.

Q. At any rate you sometimes take Gardner's card and copy the hours on to your card? A. That's it.

Q. That's it? A. Yes, sir.

Q. Where do you get the name of the piece—from the blackboard or from Gardner—that you put on your time-card?

A. Well, we all make it up at the same time, all the cards, you know. [546—457]

Q. I am asking you where you make the hours up? Copy it from Gardner's card or from the blackboard, the name of the piece?

A. Sometimes we copy it from his card, and sometimes from the furnace.

Q. You do the same thing, do you? A. Yes, sir.

Q. Does Gardner always show you his card before he puts it in a box? A. Not always.

Q. Gardner says that when he makes out his card he puts it in a box. A. Yes, sir.

(Testimony of S. Hagland.)

Q. Sometimes he puts it in a box without your seeing it?

A. Yes, sir; but when it is on the furnace, you know.

Q. But the time is not on the furnace. He tells you the time, does he? A. Yes, sir.

Q. Are you still working for the United Engineering Works? A. Yes, sir.

Q. And have been ever since August and September, 1909? A. 1909?

Q. 1909. A. Well, yes, I have been.

Q. I show you a card of September 14th, being Exhibit No. 9, and call your attention to the last number on that card simply for the purpose of making clear what it is. My impression is it is 5389. Is that correct (handing)? A. 5381.

Q. Are you sure that that is correct? You see the character of the work, smoke damper. Is that what it is intended for? A. Yes, sir.

Q. That means the smokestack damper?

A. Yes, sir.

Q. On the next day under 5383 you have worked on the smokestack, have you not, as shown by your Exhibit No. 10? Is that not right? [547—458]

A. Yes, sir.

Q. With that in view is it not quite clear that your number on the card of September 14th referred to is 5389?

Mr. FRANK.—I object to your arguing with the witness. The impression there is clear.

Mr. McCLANAHAN.—It is for your benefit. It

(Testimony of S. Hagland.)

is our number I think.

Mr. FRANK.—I do not know whether it is or not. We stand for whatever the card stands for, whether it is in our favor or against us.

Mr. McCLANAHAN.—It looks very much like a 9.

Mr. FRANK.—It may be. I do not know.

Mr. McCLANAHAN.—It is all in your favor; I do not see why you should complain. I am making clear your record.

Mr. FRANK.—I am not complaining about anything. I want the thing to stand for what is there, whether it is for me or against me.

Mr. McCLANAHAN.—Let us agree it is 5389.

Mr. FRANK.—I don't know. Whatever it is; if you can make out what it is (addressing the witness) Mr. Hagland, say so. Give your opinion about what the number is.

Mr. McCLANAHAN.—Q. Don't you think it is 5389? A. Yes, sir; it must be.

Q. It must be 5389? A. Yes, sir.

Mr. FRANK.—It is 5381.

Mr. McCLANAHAN.—Does Gardner's compare with it?

Mr. FRANK.—Yes. There it is (handing).

Mr. McCLANAHAN. Q. Mr. Hagland, I show you your card of [548—459] September 20th, being Exhibit 13, and ask you what you mean by "strong bars" entered under "Article worked on," after 5389?

A. A strong bar; that is stiffness, you know.

(Testimony of S. Hagland.)

Q. Stiffness? A. Yes, sir.

Q. What are they for, for stiffening?

A. Stiffening either the beams or—

Q. They are in the nature of supports, are they?

A. Yes, sir.

Q. You do not know what supports they are, for what character of work? What is your answer?

A. No, sir.

Redirect Examination.

Mr. FRANK.—Q. You and Mockel are only helpers to Gardner; is that right?

A. Yes, sir.

Q. You all do the same work at the same time?

A. Yes, sir.

Q. And Gardner directs the work?

A. Gardner directs the work, yes.

Q. You were asked a good many questions about what is put on the furnace; do you remember?

A. Yes, sir.

Q. And you said that the job number is put on and sometimes the nature of the work? A. Yes, sir.

Q. And you were asked how you kept track of your time; do you remember that? A. Yes, sir.

Q. You said Gardner kept track of it?

A. Gardner, yes.

Q. Now, have you any recollection at the present time as to whether or not Gardner put the time down on the furnace or sheet as well as put the piece number down so that you could copy it in the night on to your card? A. Yes, sir, we copy it at night.

Q. You do not get my question. Read it to the

(Testimony of S. Hagland.)

witness, Mr. Reporter.

(The Reporter reads the question.) Do you know what "recollection" means? A. No, sir. [549—460]

Q. You do not talk English very well; is that it?

A. Not so very well.

Q. What nationality are you? A. Norwegian.

Q. "Recollection" means do you remember. Do you know what that means? A. Yes, sir.

Q. Mr. Reporter, reread the question to the witness without explanation.

(The Reporter reads the question.)

A. Yes, sir.

Q. What yes. A. He put it on.

Q. What did he put on? A. The number.

Q. The number? A. Yes, sir.

Q. How about the time?

A. The time too. The time he put on, yes.

Q. Put on where? A. On the furnace.

Q. Why didn't you tell that to the other gentleman when he was asking you about it? What are you looking at? A. These gentlemen?

Q. Why did you not tell it to Mr. McClanahan before when he was asking you about it?

A. I did not understand him, I guess.

Recross-examination.

Mr. McCLANAHAN.—Q. You understood all my questions? A. Yes, sir, some of them.

Q. Did you not understand all of them?

A. Well, except that what he said over again.

Q. That is Mr. Frank said something to you that

(Testimony of S. Hagland.)

Q. You understood and when I said it you did not understand it; is that it? A. That is it.

Q. And that is that Mr. Gardner put the hours worked on the furnace? A. Yes, sir. [550—461]

Q. Did he always do that? A. Not always; no.

Q. Not always? A. No, sir.

Q. Do you remember telling me on my examination of you that the hours worked were given to you by Mr. Gardner at the end of the day?

A. Yes, sir.

Q. That is correct, is it?

A. That is correct, or put it on the furnace.

Q. When it was on the furnace he did not give you the hours worked? A. No, sir. We took it off.

Q. You took it off the furnace? A. Yes, sir.

Q. But he would put it on the furnace?

A. Yes, sir.

Q. Sometimes he would put the hours worked on the furnace, and when he did you would take it off the furnace? A. He told us, if he did not.

Q. If he did not put it on the furnace he would tell you the hours worked? A. Yes, sir.

Q. So that there were two methods of handling the hours worked? A. Yes, sir.

Q. One would be Gardner putting the hours on the furnace; is that right? A. Yes, sir.

Q. You understand that, do you? A. Yes, sir.

Q. When he did not put it on the furnace—

A. He told us.

Q. He told you the hours worked; is that right?

A. Yes, sir.

(Testimony of S. Hagland.)

Q. And you understand that, do you?

A. Yes, sir. [551—462]

[**Testimony of Fred Boyd, for Libelant.**]

FRED BOYD, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Boyd, you are employed in the United Engineering Works? A. Yes, sir.

Q. And have been for some years?

A. About 8 or 9 years.

Q. You were in their employ in August and September, 1909? A. I was; yes.

Q. In the tool-shop? A. In the toolroom.

Q. When you were at work in the toolroom, Mr. Boyd, what was the nature of the work you were doing?

A. Making tools most of the time, unless I had a chance to do some outside jobs like work on the engines or anything like this. I would help them out at times, but most of my work was just making tools.

Q. Your work in the toolroom was making tools?

A. Making tools; yes.

Q. In the course of your work, how did you keep track of the different jobs?

A. Well, before I started on a job I put down the job number I was to work on, and the time I started on it, and I would put it down when I finished up the job on a slip of paper.

Q. Where would you get the job number?

A. The man who would bring in the work, at times would have the number on a slip of paper, and there was a number in the shop on a slip brought from the office.

(Testimony of Fred Boyd.)

Q. What did you do, compare the number?

A. I compared the number, to be sure there was no mistake.

Mr. McCLANAHAN.—There is no necessity to lead this witness. He seems very intelligent.

Mr. FRANK.—The leading that I will do will therefore do you no harm. It will simply save your time, and both of us money in [552—463] the record.

Mr. McCLANAHAN.—I should prefer to have the witness testify.

Mr. FRANK.—Q. How would it be with other jobs that originated in the toolroom; how would you get the number for those?

A. That is with jobs that originated, that is, for tools for the shop?

Q. No, not for shop tools but for tools on outside work.

A. I would get the number from the foreman for that.

Q. How from the foreman?

A. He would put it on a slip when he would bring me the job to do.

Q. What means, if any, would you take to verify it?

A. From the slips that they had in the shop that they bring the number in of every job.

Q. That is, slips that come from the office?

A. Slips that come from the office.

Q. And your time; just repeat how you kept your time.

(Testimony of Fred Boyd.)

A. Before I started on a job I put down the job number; then I would put down the time I started, and when I finished the job, and I would put that on a slip of paper; at night when I made out my card I would copy from the slip of paper on to the card, and then I would tear up the slip of paper which was a memorandum.

Q. When you were working making tools for the Works, how would you keep track of that?

A. In the same way. I would put down all the shop expenses the same as I would put down for any outside job.

Q. That is, the inside jobs had shop numbers to identify them; is that it?

A. With certain tools that we made just for the toolroom, to have on hand, we have the regular number for that, and I would copy that down. [553—464]

Mr. FRANK.—Q. Now, I show you a card of August 24th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Q. Do you endorse the entire statement as I made it to you? A. I do.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 1.

Mr. McCLANAHAN.—I object to the offer as being incompetent, irrelevant and immaterial, hearsay,

(Testimony of Fred Boyd.)

self-serving, and not binding on the respondent.

(The card is marked "Fred Boyd No. 1.")

Mr. FRANK.—Q. I now show you a Fred Boyd card of August 26th, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 2.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked "Fred Boyd No. 2.")

Mr. FRANK.—Q. I show you a card of August 27th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct. [554—465]

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 3.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked "Fred Boyd No. 3.")

Mr. FRANK.—Q. I now show you a Fred Boyd card of August 28th, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

(Testimony of Fred Boyd.)

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 4.

Mr. McCLANAHAN.—I make the same objection.
(The card is marked “Fred Boyd No. 4.”)

Mr. FRANK.—We ask that the clock card of August 28th be marked Boyd No. 5.

(The clock card is marked “Fred Boyd No. 5.”)

Q. Now, I show you a card of August 29th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office. A. That is correct.

Mr. FRANK.—We ask that the card be marked Fred Boyd No. 6.

Mr. McCLANAHAN.—The same objection.
(The card is marked “Fred Boyd No. 6.”)

Mr. FRANK.—Q. I show you now a Fred Boyd card of August 30th, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your handwriting, and whether at the time you made out the card you [555—466] knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 7.

Mr. McCLANAHAN.—The same objection.
(The card is marked “Fred Boyd No. 7.”)

Mr. FRANK.—Q. I show you a card of August 31st, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated,

(Testimony of Fred Boyd.)

whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 8.

Mr. McCLANAHAN.—I make the same objection. (The card is marked “Fred Boyd No. 8.”)

Mr. FRANK.—Q. I show you a Fred Boyd card of September 1st, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 9.

Mr. McCLANAHAN.—I make the same objection. (The card is marked “Fred Boyd No. 9.”)

Mr. FRANK.—Q. I show you a card of September 5th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct. [556—467]

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 10.

Mr. McCLANAHAN.—I make the same objection. (The card is marked “Fred Boyd No. 10.”)

Mr. FRANK.—Q. Now, I show you a Fred Boyd

(Testimony of Fred Boyd.)

card of September 6th, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 11.

Mr. McCLANAHAN.—I make the same objection.
(The card is marked “Fred Boyd No. 11.”)

Mr. FRANK.—Q. I show you now a Fred Boyd card of September 7th, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 12.

Mr. McCLANAHAN.—I make the same objection.
(The card is marked “Fred Boyd No. 12.”)

Mr. FRANK.—Q. I show you a card of September 9th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 13. [557—468]

Mr. McCLANAHAN.—I make the same objection.

(Testimony of Fred Boyd.)

(The card is marked "Fred Boyd No. 13.")

Mr. FRANK.—Q. I show you a card of September 10th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is a card of some tool that they decided was to be used on the job. It must have been—I am not sure from the card whether the foreman fixed it up.

Q. What is the writing on it?

A. It is changed afterwards.

Q. Is it changed in your handwriting?

A. It is not changed in my handwriting.

Q. What part of that card was not in your handwriting?

A. It is the number. I made out all the rest of it, but the job number is not my writing.

Q. 5295?

A. Yes, sir, I am not sure now how it was straightened up.

Q. Do you recognize the handwriting?

A. I know the handwriting.

Q. Whose is it, I mean 5295?

A. I do not recognize the number.

Q. You do not recognize that number?

A. No, sir.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 14.

Mr. McCLANAHAN.—I make the same objection.

(Testimony of Fred Boyd.)

(The card is marked "Fred Boyd No. 14.")

Mr. FRANK.—Q. I show you a Fred Boyd card of September 11th, and ask you if that is a card made out by you in the manner you have indicated, whether it is in your own handwriting, and [558—469] whether at the time you made out the card you knew it to be correct, and so handed it in to the office. A. That is correct.

Mr. FRANK.—We ask that the card be marked Fred Boyd No. 15.

Mr. McCLANAHAN.—I make the same objection. (The card is marked "Fred Boyd No. 15.")

Mr. FRANK.—We ask that the clock card of September 11th be marked Fred Boyd No. 16.

(The clock card is marked "Fred Boyd No. 16.")

Q. Now, I show you a card of September 14th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 17.

Mr. McCLANAHAN.—I make the same objection. (The card is marked "Fred Boyd No. 17.")

Mr. FRANK.—Q. I show you a Fred Boyd card of September 15th, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew

(Testimony of Fred Boyd.)

it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 18.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Fred Boyd No. 18.”)

Mr. FRANK.—Q. I show you a card of September 12th, Fred Boyd, and ask you if that is a card made out by you in the [559—470] manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 19.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Fred Boyd No. 19.”)

Mr. FRANK.—Q. I show you a card of September 16th, Fred Boyd, and ask you if that is a card made out by you in the manner you have just indicated, whether it is in your own handwriting, and whether at the time you made out the card you knew it to be correct, and so handed it in to the office.

A. That is correct.

Mr. FRANK.—We ask to have that card marked Fred Boyd No. 20.

Mr. McCLANAHAN.—I make the same objection.

(The card is marked “Fred Boyd No. 20.”)

Mr. FRANK.—We ask that the clock card of September 25th be marked Fred Boyd No. 21.

(The clock card is marked “Fred Boyd No. 21.”)

(Testimony of Fred Boyd.)

Q. What, if anything, Mr. Boyd, can you say with respect to tools under special numbers as relates to their purpose, whether special or otherwise?

A. The special tools?

Q. Yes.

A. If a job comes along for reaming out coupling bolts to clean up a hole, they would use a reamer just large enough to clean up the hole. It would not always be a standard size, so we would have to make a special reamer just enough to clean the hole up to make it through.

Q. That is the particular hole?

A. To fit the coupling bolt; [566—471] they would make a new reamer to fit the coupling bolt.

Q. With respect to other tools, are there other tools of a special nature like that?

A. On cutter-heads to bore out a cylinder, you would have to fit up the cutter-head to bore the cylinder to fit the tool.

Q. I notice here on a card of September 15th, Exhibit 18, you worked on eccentrics.

A. On eccentrics?

Q. Yes. A. That was one evening, was it not?

Q. Overtime. Look at it.

A. Yes, I remember that. That was shop work.

Q. That is, it was not a tool. You were working on eccentrics under that number?

A. Yes, sir. That was no tool at all. I made the eccentrics for the ship.

Q. In other words, the eccentric is part of the machinery? A. Yes, sir.

(Testimony of Fred Boyd.)

Q. So on September 7th, Exhibit No. 12, you worked on steam gauges?

A. That is testing gauges. We have a gauge tester there that we attach the gauges to and test it according to a standard gauge we have on the wrack. That was for the ship. Those are the gauges that come off of the ship that I tested.

Mr. McCLANAHAN.—That is not one of our numbers, Mr. Frank, 5358.

Mr. FRANK.—Isn't it?

Mr. McCLANAHAN.—No.

Mr. FRANK.—Q. I notice in some of these cards, Mr. Boyd, like, for instance, Exhibit 17, you would be working on shop tools for 9 hours and then on the special job overtime. How would that occur, and why would the one number be on overtime in preference to the other? [561—472]

A. The reason of that is that that was the time they needed it. They had not got ready for it, and they did not know what they needed for that certain job at that time of the day.

Q. That is, it came in to you at that time to be done? A. It came in at that time to be done.

Q. And the work taken up in its order?

A. That is the way, it is taken up in its order.

Q. Where you have reamers charged twice under the same number as on the card of September 1st, Exhibit 9, what does that mean? Is it the fact of the overtime, or is it two sets of reamers that were made?

A. That is to show that I worked overtime on the

(Testimony of Fred Boyd.)

job. It shows just the time that I worked overtime on it.

Cross-examination.

Mr. McCLANAHAN.—Q. In August and September, 1909, what was your grade as a workman, Mr. Boyd? A. Machinist.

Q. How many machinists at that time were there in the toolroom? A. There were two.

Q. Yourself and one other?

A. A man that has charge of the toolroom.

Q. What is his name? A. Robinson.

Q. Were there any others in the toolroom besides the two machinists, yourself and Mr. Robinson?

A. There were boys in the toolroom; I am not sure how many at that time.

Mr. FRANK.—Q. Boys?

A. Boys handing out tools.

Mr. McCLANAHAN.—Q. There were boys there at that time? A. Yes, sir.

A. Do you remember their names?

A. No, sir, I do not. There are times that a man might help out on a job a day or so, but there is only the two in there steady. [562—473]

Q. When you have no special job numbers to work on—and by “special job numbers” I mean numbers representing work other than shop work—what would you do? How would you occupy your time?

A. We always have tools to make up on the shop number, always keep repairing tools and keeping them in order, and that would be at the shop's expense.

(Testimony of Fred Boyd.)

Q. So that when you were not working on special job numbers, you would be working on tools for the shop? A. For the shop.

Q. When you made tools for special numbers that required to be specially made, do you know what became of the tool after it was used?

A. No, sir, I don't know, unless the job wanted the tool and would take it away.

Q. You don't know that?

A. That I don't know.

Q. Where would the material come from out of which the tool was made? Would it be passed into the toolroom by some outside foreman in the machine-shop?

A. No, sir. We would get an order and go over to the storeroom and have the piece sawed off, whatever it was, and maybe bring it over myself from the storeroom.

Q. Was the method of keeping track of the time of the job numbers, and the time worked on each job in the toolroom the same for all who were in the toolroom at that time—you all employed the same method? A. We all did; yes.

Q. That is, the machinists and helpers would put down on a slip of paper the number of the job, and the hours of the day when work was commenced on that job, and at night copy it on to the time-card and destroy the slip of paper?

A. I don't say they all made out a time-card. The other method is my method. I don't know just the way they done. Some put it on their cards just as

(Testimony of Fred Boyd.)

they finished. [563—474]

Q. Put what on the card?

A. The time they just finished.

Q. You put that on a card, and keep it from a slip?

A. I keep it on a slip and at night put it on the card. If I put it on the card I get my card too dirty, and that is the reason that I keep it on a separate slip before copying it.

Q. Do you mean to tell me that working with those fellows in the toolroom you don't know how they kept their time?

A. I never watched them making out their card; no.

Q. I am not referring now to making out the card, I am referring to their method of keeping the time. Don't you know how they kept their time?

A. No, sir. I cannot say how they kept it.

Q. You don't know whether they used a slip of paper as you did? A. I don't think they did.

Q. When you had finished your card at night and made the entry from the slip of paper on to the card I understand you passed it directly into the office?

A. I dropped it into the box.

Q. And from the box it went into the office?

A. Into the office.

Q. Is that the method employed by the others who worked in the toolroom at that time?

A. That is the method there.

Q. Your card was dropped in the office in the condition you find it to-day? A. It was.

(Testimony of Fred Boyd.)

Q. What about the present system? You are still in the toolroom? A. I am still in the toolroom.

Q. What about the present system? How do you handle the time-card now? A. It is the same.

Q. The same way? A. The same way now.
[564—475]

Q. That is, there is no check on your time at all?

A. There is what?

Q. There is no check on your time?

A. I make out my card in the same way. What do you mean by a check?

Q. I mean there is no one who checks your time over.

A. I cannot say what they do in the office. I would not say to that.

Q. They could not check your time in the office; they don't know how long you work on a particular piece of work in the office?

A. No, sir. I make out my own card, put it down, and copy it at night.

Q. So there was no check on your time in August and September, 1909? A. No, sir.

Q. Each man was trusted to do the right thing?

A. Yes, sir.

Q. I see on your card there is a place at the bottom reading "Time correct" with a dotted line; that is never used in your department in the toolroom?

A. Where is the dotted line?

Q. There it is (pointing)—"Time correct."

A. That is not used unless the foreman signs it. The foreman looks over the card after I turn it in,

(Testimony of Fred Boyd.)

the foreman of the shop.

Q. After you turn it in where?

A. Into the office.

Q. How do you know?

A. I know if there is any doubt about anything he comes and asks me if I am sure about the time I put on it.

Q. Who comes and asks you?

A. The foreman of the shop or the timekeeper.

Q. Which one?

A. There have been times that the foreman has asked me if I am sure I was right about the time I put on the card.

Q. That is, after you dropped it into the box?

A. After I dropped it in next day. [565—476]

Q. So there have been occasions when the correctness of your time has been brought before you and discussed?

A. That is, when I worked on any of his jobs. That would not be any of the tools, though.

Q. That would be on the machine work?

A. On the machine work.

Q. On this machine work you say there have been times when the foreman questioned the time and questioned you about the correctness of your time?

A. Yes, on jobs of his.

Q. What would that amount to? Would he dispute the amount of time that you had put down?

A. No, sir, he never has. I was always sure I was right.

Q. Would he raise the question of whether you

(Testimony of Fred Boyd.)

were right or not? A. He would look it up.

Q. How would he look it up?

A. He would look on the numbers in the slip. Sometimes he wanted to be sure if I was charging it to the right job.

Q. We are not talking about that. We are talking about the time you put on the job. How would he know anything about the time you put on the job?

A. He would not know.

Q. Yet he would sometimes come and question the correctness of the time you put on the job?

A. That would be the number mostly.

Q. He would never come and correct you about the time? A. No, sir.

Q. I misunderstood you when you first testified on that point.

A. The timekeeper comes in on the job to see about the numbers.

Q. But not about the time?

A. But not about the time.

Q. In other words, there is no question about your time being correct? A. No, sir.

Q. It is taken in the office as being correct, and you were paid [566—477] on the time you turned in? A. Yes, sir.

Mr. FRANK.—He has not said he was paid on that.

The WITNESS.—I turned it in as being correct.

Mr. McCLANAHAN.—Q. And you are paid on the time you turn in?

A. Well, I suppose so. I got paid anyhow. I

(Testimony of Fred Boyd.)

don't suppose there is any changes in it at all. That is the way I turned it in.

Q. If they made a change in your time they would hear from you, would they not?

A. They would be pretty apt to.

Q. So that the time you turn in is the time that you receive pay for? A. That is it.

Q. I show you the card of August 28th, being your Exhibit No. 4, and ask you what "Cannon" means on that card?

A. That is a cannon for shooting out coupling bolts.

Q. Is it used in connection with some air tool?

A. It is used with powder the same as a large cannon. On that time I made the plunger for it.

Q. Referring to a card of September 1st, your Exhibit No. 9, I ask you what the job number 242A means? Is that a shop number?

A. That is a shop number, yes, a new tool.

Q. That is, those tools made under that number are for the shop? A. For the shop.

Q. And those tools are used by the shop in doing the work for other job numbers?

A. Other jobs; that is, for any job they use it they keep it in stock, and it would be for various jobs—standard tools.

Q. Now, Mr. Boyd, you made some explanation of overtime. My understanding of your testimony is that where overtime is charged to a certain job number, and it has been preceded by straight time [567—478] charged to other job numbers, that the

(Testimony of Fred Boyd.)

reason for that is that the last job comes in at a late hour and has to be done in a hurry? A. That is it.

Q. That is the reason?

A. That is the idea, yes.

Q. How do you know that?

A. How do I know it?

Q. Yes.

A. The foreman that brings it in will say it has to be done that night, and I have to stay to finish it.

Q. And that is all you know about it?

A. That is all I know about it, unless I go down to the boat with it when I finish. There were times when I had to take the reamer right down, to the boat. and they were using it on the boat.

Q. Can you offer any explanation as to why they did not know they were going to do a particular reamer and require its use so that you need not work overtime on it?

A. Yes, sir. They would be taking the bolts out and when they would take the bolts I would go right ahead on the reamer. That was the reamer question.

Q. You don't know but what this delay in turning in orders to you to make special tools was caused by some other circumstance than that which you have stated?

A. No, sir, I don't know anything about anything else.

Q. That is what you suppose. You suppose that when it comes in late it comes in as soon as it can and is a hurry-up job? A. Yes, hurry-up—

(Testimony of Fred Boyd.)

Mr. FRANK.—He did not say he supposes. He said he had gone down sometimes to the boat to fit the reamer.

Mr. McCLANAHAN.—Let the witness answer.

Mr. FRANK.—I object to the question as improper. [568—479]

Mr. McCLANAHAN.—You can object, but do not testify yourself.

Mr. FRANK.—I make my objections intelligible, so that you and the court may know what I am talking about.

Mr. McCLANAHAN.—Q. Is it not quite possible. Mr. Boyd, that sometimes when you have worked straight time on say job numbers for the shop, and have consumed your entire straight time, and another order comes in for a particular job outside of the shop on which you have to work overtime, is it not quite possible that the delay in bringing that to you is caused by the failure or fault of some man outside of your department in not bringing it to you earlier?

A. No, sir; it is not that way.

Q. How do you know?

A. Not on that job.

Q. Not on what job? What job are you referring to? A. On any of them.

Q. How do you know?

A. It would be very rare, if it did happen.

Q. Why would it be rare?

A. I always hear ahead of time that there is apt to be a job as soon as I can get the size to make the tools for it; as soon as they get the job piece which I could

(Testimony of Fred Boyd.)

go ahead on with what I have to make for it.

Q. In other words, you know ahead of time?

A. Not always. There is times that I know ahead of time.

Q. Why would it be rare that a man outside of your shop or your department would delay and be at fault in not handing you in a special tool for you to make before your straight time had all been worked on something else?

Mr. FRANK.—I object to that class of examination. If there is any fault of that sort, that is defensive matter that you must set up affirmatively. There is no such defense in this case, [569—480] and the proof of possibility of anything of that kind is incompetent proof in this case. The presumption is that the people are acting honestly and not dishonestly.

Mr. McCLANAHAN.—Q. Answer the question.

A. The reason I state is that the men there are competent or they would not be working there.

Q. You assume that the man there does his duty?

A. Yes, sir.

Q. And that is the basis of your testimony?

A. Yes, sir.

Q. You recognize that we are all liable to make mistakes?

A. We are all liable to make mistakes.

Q. And to err? A. Yes, sir.

Q. I hand you the card of September 14th, being your Exhibit 14, and the card which you have testified to as containing a job number not in your hand-

(Testimony of Fred Boyd.)

writing. A. Yes, sir.

Q. Will you examine the card closely and see if you did not have a job number originally placed on that card which has been erased.

A. There is a number on the card but I don't know how it was straightened up. That card I don't know.

Q. Will you please answer my question. Is there not evidence there of an erasure of a number?

Mr. FRANK.—That is what he said.

A. There is a number erased.

Mr. McCLANAHAN.—Q. And the number ultimately put there, 5295, is not in your handwriting?

A. It is not in my handwriting.

Q. And you don't know how it got there?

A. I don't know how it got there.

Q. Can you tell anything about the tools shown to have been worked on on that card?

A. No, sir, I could not on that day, no. [570—481]

Q. When you work making stock tools, or repairing them, or sharpening them, don't you enter the work simply as work on tools and nothing else?

A. On tools.

Q. So that the evidence of that card of September 10th would indicate that it was stock tools, would it not?

A. Not exactly. I might be making certain tools that were taken on to the boat afterwards to be kept.

Q. So that originally it might be that you were working on stock tools as shown by that card which afterwards were taken on the ship to be kept?

(Testimony of Fred Boyd.)

A. That I might say, I do not say for sure.

Q. For that reason were given a job number subsequently? A. It might have been.

Q. Is that the only explanation you can make of the entry of the character of work done on that day?

A. That is all.

Q. That is the only explanation? A. Yes, sir.

Q. You are quite sure that where you work on stock tools you simply enter tools on your card as the character of your work?

A. And put the shop number.

Q. And where you work on tools for the ship, or a ship, under a particular job number, you put the character of the tools that you are making on the card? A. Yes, sir.

Q. What does this 9 hours that I find on some of your cards mean? Does it mean that you worked for 9 consecutive hours?

A. It might not always mean that. I forget just exactly when we commenced to work 8 hours, so I would not say as to that.

Q. I hand you the card for your guidance and assistance in answering the question, No. 17, being the card of September 14th, which shows 9 hours straight time and 4½ hours overtime. Now answer [571—482] that. Do you work 9 consecutive hours?

A. We work 8 hours now.

Q. I am speaking of the time in September, 1909.

A. I am not sure just the date we commenced to work 8 hours.

Q. Does not that card assist you in answering my

(Testimony of Fred Boyd.)

question? A. Yes, sir.

Q. What is the answer: Did you work 9 consecutive hours as straight time? A. At that time?

Q. Yes. A. 9 hours was a day then.

Q. My point is, did you work the full 9 hours as straight time, if 9 hours was the day's work?

A. That is the way I got paid any way.

Q. 9 hours of continuous work?

A. I got paid for 9 hours straight time.

Q. I don't refer to what you got paid for. I want to know what you worked. Did you work 9 hours?

Mr. FRANK.—What do you call work? Do you mean active operations in handling tools, or his general work, whatever would come to his hands.

Mr. McCLANAHAN.—Either or both. Actual work.

Q. I think the question is intelligible, Mr. Boyd.

A. Yes.

Q. Answer it.

A. If I got 9 hours, I worked 9 hours.

Q. You worked 9 consecutive hours if 9 hours constitute a day's work? A. Yes, sir.

Q. Do you remember when the whistle blew in the morning in the shop in August and September, 1909?

A. No, sir, I don't.

Q. Your pay is correctly shown by your time-cards here, your pay at that time?

Mr. FRANK.—We object to that as immaterial. It has nothing to do with the issue in this cause how much the men were paid by the [572—483] iron works.

(Testimony of Fred Boyd.)

A. I signed the card to get my money.

Mr. McCLANAHAN.—Q. What on your time-card does 3898 opposite the printed word “Rate” mean? A. That is my rate of pay.

Q. Your rate of pay; what is that? 38 9/1000 cents? A. It must be.

Mr. FRANK.—The whole examination is objected to on the same ground as that already stated.

Mr. McCLANAHAN.—Q. I hand you a card of September 15th, being exhibit No. 18, and call your attention to the word “Snaps” opposite number 5389, and ask you what they are.

A. They are for riveting. The boiler makers use them for riveting; they go in an air-machine.

Q. Is that not a stock tool?

A. That must have been broken on the job and I replaced it.

Q. It is a stock tool, it is not?

A. It is not always. If it was a special tool made for the job it would not be a stock tool.

Q. Don't you know that it is not a tool that is not taken on to the ship?

A. It must have been broken in the shop.

Q. It could not be used for the ship?

A. Not for the ship.

Q. It is a tool made and used and left in the shop?

A. If it was not broken. I don't know but what that tool might have been broken in the job.

Q. If it is broken it is left in the shop, it is not taken to the ship? A. Not very likely.

Q. Don't you know they would not take any of the

(Testimony of Fred Boyd.)

reamers made for special job numbers on to the ship—take it away, I mean?

Mr. FRANK.—He has already testified he does not know what they do with them. [573—484]

A. I don't know whether they did or not.

Mr. McCLANAHAN.—Q. What would they do with them on the ship?

Mr. FRANK.—Do not argue with the witness. I object to that as improper.

Mr. McCLANAHAN.—Put your objection in.

Mr. FRANK.—That is what I am doing. Do not get nervous about it.

Mr. McCLANAHAN.—Q. Don't you know they would not need or use a reamer on the ship?

A. I don't know that.

Q. You don't know that?

A. No, sir. They would take it to clean out another hole some other time.

Q. Do you know what particular ship your evidence has been taken for in this case? A. I do.

Q. Do you remember the fact that the "Hilonian" was at the shops in August and September?

A. I do.

Q. Do you remember any other boats that were there at that time?

A. No, sir, I don't. I don't remember any other. I remember from my card that that boat was there. If I did not see my cards I would not know that that was the one.

Q. How do you tell from an examination of your cards that the "Hilonian" was there?

(Testimony of Fred Boyd.)

A. From the numbers.

Q. You knew the "Hilonian" numbers?

A. I did at that time.

Q. I understand that you tell now from an inspection of your cards that the "Hilonian" was there?

A. I remember the tools that I made for it.

Q. When you find that you made, according to your cards, a reamer, does your memory take you back to the time that you made a reamer for the "Hilonian" as shown by that card? [574—485]

A. I cannot remember any certain reamer. I know that I made reamers for it, though.

Q. Do you remember that the tug "Ranger" was at the shops at that time?

A. Not the exact date, no; I would not swear to that.

Q. Do you remember that she was there?

A. I remember that she was there, yes.

Q. About that time? A. Yes, sir.

Q. Do you remember that the "Buckman" was there about that time?

A. Not unless I saw the cards on it.

Q. You don't remember that?

A. I don't remember the exact dates.

Redirect Examination.

Mr. FRANK.—Q. Mr. Boyd, you were asked about this overtime and how it occurred; in other words, whether or not the jobs were passed up to you as soon as the parties requiring them knew that they were required. Now what is a reamer used for?

A. For making a hole larger.

(Testimony of Fred Boyd.)

Q. The holes that they were working on, was that new or old work? A. That was old work.

Q. Before they ascertained whether they needed a larger reamer to enlarge or shape up the hole, what would they have to do?

A. They would have to take out the coupling bolt first.

Q. Until they had arrived at that part of the work, would they know anything about whether they required a reamer or not?

A. They were not always sure. It would always depend on whether the hole was round or not.

Q. You said there were times when you had to go down to the ship.

A. I have been down to the ship and taken the size.

Q. Taken the size of the "Hilonian"?

A. Yes, sir. [575—486]

Q. On those occasions did you notice the condition of the work?

A. I would caliper the hole to find the largest diameter of it.

Q. Did you notice the condition of the work, whether there had been delay in sending for you or otherwise?

Mr. McCLANAHAN.—I object to that as suggestive and leading.

A. That part I would not notice.

Mr. FRANK.—Q. Now you were asked, Mr. Boyd, whether the cards as shown to you to-day were in the exact condition when they were handed in; the particular to which that question was directed was not

(Testimony of Fred Boyd.)

given you nor was the card shown you. If you look at your cards you will notice some of them bear check marks like that and like that (pointing).

A. Yes, sir.

Q. You see the check marks on it. A. Yes, sir.

Q. And all the way through in that way. Were those check marks on your cards when you passed them in? A. They were not.

Q. They were done by somebody subsequent to your passing them in? A. They were.

Q. The method of checking up your cards both as to time and number in the office, you know nothing of.

A. I know nothing about whatever.

Q. But you do know, however, that the foreman would come to you at times to consult you concerning some of your cards as to the numbers?

A. As to the numbers, yes.

Q. And you also said he would not know about your time; you are simply assuming that. You don't know. A. I don't know.

Q. You don't know what means he had of checking up your time?

A. No, sir. I knew nothing of the card after it went in.

Q. Your toolroom is part of the machine-shop, is it not? [576—487]

A. Part of the machine-shop.

Q. And Mr. Adamson is the foreman?

A. Adamson is the foreman of the machine-shop.

Q. Referring now to Exhibit No. 4 of August 28th, where your attention was called to a cannon which

(Testimony of Fred Boyd.)

you said was used for shooting out coupling bolts, do you know what cannon that was whether it was a ship's cannon or a cannon belonging to the iron works? A. It belongs to the iron works.

Q. It did belong to the iron works?

A. Yes, sir. I made a plunger for it. The plunger broke so I had to make another.

Q. Had you ever seen the cannon before?

A. Yes, sir, I had. They have had it at the shop for a good many years.

Q. What was the boring bar that is referred to in connection with the cannon; is that another machine?

A. That is for boring cylinders.

Q. So that time, 9 hours on boring bar and cannon is not divided up; how much you put on the boring bar and on the cannon you are unable to testify; is that correct? A. That is right.

Q. When this work for these special numbers came to you for reamers, for instance, would the order come in to you through the machine-shop?

A. Not always.

Q. Is that the rule?

A. Sometimes the superintendent would tell me to make the reamers.

Q. The superintendent of the works?

A. Of the works, yes.

Q. You would not know whether he had passed the same order to the machine-shop or not at the same time? [577—488] A. No, sir, I would not.

Q. If he did not tell you then would it come through the machine-shop?

(Testimony of Fred Boyd.)

A. Not always. Sometimes it would be the man who had charge of the job.

Q. He would have to come through the machine-shop to get to your place, would he not?

A. Yes, sir.

Q. And you would not know if he had reported it to the foreman before he came in and was bringing it on his order or not?

A. The reamer would be either from the foreman or superintendent. I always had the order from one of the two.

Q. That is what I was trying to get at.

A. I remember on this occasion it was from the superintendent to make the reamers.

Q. Always? A. Not on all jobs, but on this job.

Q. On this job did he give you the order for the reamers?

A. He gave me the order to take the size and get the steel to make reamers. [578—489]

Q. When you say superintendent, who do you mean, superintendent of the work or the superintendent of the iron works? A. Of the iron works.

Q. Who is he? A. Mr. Williamson.

Recross-examination.

Mr. McCLANAHAN.—Q. Can you tell from an inspection of your cards that have been introduced here in evidence how many reamers you made for the steamship "Hilonian"? A. No, I cannot.

Q. Why not?

A. Well, I always put down the time I worked on the reamers.

(Testimony of Fred Boyd.)

Q. You cannot tell how many you made?

A. I cannot tell. I never put on how many on the card.

Q. Have you any present recollection of how many you made?

A. No. I know I made several but how many I do not know.

Q. Were your reamers, all of them made for coupling bolt holes?

A. I would not say for sure they were. All the large size were. I might have made a small one for some job as part of the bolt.

Q. What holes do you caliper?

A. The coupling bolts.

Q. Nothing else? A. That is all.

Q. So far as your present recollection goes now the reamers were made for coupling bolt holes?

A. For coupling bolt holes.

Q. You have been asked in regard to a pencil check mark on your card. You did not mean to convey the impression or idea from your testimony that all your cards had this check mark upon them?

A. Well, the check mark is after it leaves me.

Q. But you were examined on that point and I got the impression [579—490] from the way the question was put to you that you were testifying that all your cards were checked.

Mr. FRANK.—The cards speak for themselves.

A. That I do not know. It is after it leaves me.

Mr. McCLANAHAN.—Q. Please look at your cards and state whether or not some of them are

(Testimony of Fred Boyd.)

without check marks.

Mr. FRANK.—The Court can see that just as well as he can.

A. Of course, I cannot testify to that at all.

Mr. McCLANAHAN.—Q. Well, you can testify that some of them are without check marks, can you not?

A. That has a check mark (pointing).

Q. Has that one a check mark on it (pointing)?

A. That has no check mark on it.

Q. The card of August 26th has not a check mark on it?

Mr. FRANK.—We will admit that some of them have no check mark. What is the use of encumbering the record with any such matter as that?

Mr. McCLANAHAN.—Very well, I will take your admission.

Mr. FRANK.—But you do not need the admission because it is on the face of the card. That is, the card speaks for itself.

Mr. McCLANAHAN.—I have your admission.

Mr. FRANK.—Yes. But I say you do not need it because it is self-evident that some of them do not bear any check mark.

[Testimony of S. Carter, for Libelant.]

S. CARTER, called for the libelant, sworn.

Mr. FRANK.—Q. Mr. Carter, you are employed over at the United Engineering Works?

A. Yes, sir.

Q. And have been there for some time?

A. A little over a year this time. [580—491]

(Testimony of S. Carter.)

Q. What is that?

A. I say a little over a year this second time.

Q. This second time, yes, but how long the first time?

A. I forget just exactly how long I was there the first time.

Q. But you were there in August and September, 1909, were you not? A. Yes, sir.

Q. In what capacity?

A. In the punch-shop, shearing.

Q. At the time you were working in the punch-shop, how did you keep track of your time that you put in upon the several jobs that you worked on?

A. I always put it down when I get through with the job. I have a place on the side of the machine where I mark down what I do.

Q. What did you mark on the machine?

A. The number of the job and the hours I worked on it.

Q. That is to say, you put the number of the job down and you put down the time you were working on each job? A. Yes, sir.

Q. How do you keep track of the time, how do you note the time?

A. Generally I have something or other to go by. There is a clock there and we can go by that.

Q. And when you take up the job do you note the time? A. Yes, sir.

Q. And when you finish it do you note it?

A. Yes, sir.

(Testimony of S. Carter.)

Mr. McCLANAHAN.—I object to this leading of the witness.

Mr. FRANK.—I suppose the questions are leading, but from the nature of the examination I think it is perfectly permissible. It is certainly desirable that we do not spend all day examining a man upon immaterial questions, such as has been done so frequently.

Q. Now, tell us again what you do, where do you write these details down?

A. On the side of the machine. I have a place [581—492] on the side of the machine where I mark all the numbers and things down.

Q. You say the numbers and things; what do you mean by “things”?

A. Well, I mean the numbers.

Q. How about the time, do you make any notation of that?

A. Yes, I put that all down.

Q. You put that down also?

A. Yes, sir.

Q. And in the evening?

A. We make out one of these cards every evening.

Q. You make out a card?

A. Yes, sir.

Q. What do you make out the card from?

A. From the numbers on the machine that I have down.

Q. Do you keep your own time or does somebody keep it for you?

A. I do; I keep my own time.

Q. And when you are finished with these cards what do you do with them?

A. We put them in the box in the evening in the office.

Q. I now show you a card marked S. Carter, under

(Testimony of S. Carter.)

date of August 28, and ask you if that is your card, whether it is in your own handwriting, made out by you at the date it indicates, and in the manner that you have just testified to in regard to keeping your time and making out your cards?

A. Yes, that is my writing there.

Q. How about the manner in which it is made out, whether it is made out in the way you have already testified.

A. Yes, sir. That is the way I make them out, just like that is.

Q. I forgot to ask you, Mr. Carter, where do you get the numbers from?

A. They are always put on the plate, the job number is on the plate. [582—493]

Q. In what way are they put on, how are they put on?

A. Whatever the number of the job is, is put down on the plate. That is the number we get.

Q. It is painted on the plate, is it?

A. Painted on the plate, yes, sir.

Q. Your shop is the boiler-shop, is it not?

A. Yes, sir.

Q. Do you know whether there is a list of these numbers comes from the office in to the boiler-shop?

A. I don't know that.

Q. You don't know that? A. No, sir.

Mr. FRANK.—I ask that this card be marked “Carter Exhibit No. 1.”

Mr. McCLANAHAN.—We object to it as immaterial, irrelevant, incompetent, hearsay, self-serving

(Testimony of S. Carter.)

and not binding on the respondent.

(The card is marked "Carter Exhibit No. 1.")

Mr. FRANK.—I offer this clock card, under date of August 28, and ask to have it marked "Carter Exhibit No. 2."

(The card is marked "Carter Exhibit No. 2.")

Q. I now show you a card marked "S. Carter," under date of September 2, and ask you if that is your card, whether it is in your own handwriting, made out by you at the date it indicates, and in the manner that you have just testified to in regard to keeping your time and making out your cards?

A. Yes, sir, that is the same.

Mr. FRANK.—I offer it in evidence and ask to have it marked Carter Exhibit No. 3.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Carter Exhibit No. 3.")

Mr. FRANK.—Q. I now show you a card marked "S. Carter," [583—494] under date of September 4, and ask you if that is your card, whether it is in your own handwriting, made out by you at the date it indicates and in the manner that you have just testified to in regard to keeping your time and making out your cards? A. That is the same.

Mr. FRANK.—I offer it in evidence and ask to have it marked "Carter Exhibit No. 4."

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Carter Exhibit No. 4.")

Mr. FRANK.—Q. I now show you a card marked

(Testimony of S. Carter.)

S. Carter, under date of September 7, and ask you if that is your card, whether it is in your own handwriting made out by you at the date it indicates, and in the manner that you have just testified to in regard to keeping your time and making out your cards?

A. That is the same.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 5.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 5.”)

Q. I now show you a card marked S. Carter, under date of September 8, and ask you if that is your card, whether it is in your own handwriting, made out by you at the date it indicates, and in the manner that you have just testified to in regard to keeping your time and making out your cards?

A. That is the same.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 6.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Carter Exhibit No. 6.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 10, and ask you if that is your card, [584—495] whether it is in your handwriting, made out by you at the date it indicates, and in the manner that you have just testified to in regard to keeping your time and making out your cards. A. That is the same.

(Testimony of S. Carter.)

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 7.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 7.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 11, and ask you if that is your card, whether it is in your handwriting, made out by you at the date it indicates, and in the manner that you have just testified to in regard to keeping your time and making out your cards.

A. That is the same.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 8.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 8.”)

Mr. FRANK.—I now offer this clock card, of date September 11, and ask to have it marked Carter Exhibit No. 9.

(The card is marked “Carter Exhibit No. 9.”)

Q. I now show you a card marked S. Carter, under date of September 12, and ask you if that is your card, whether it is in your own handwriting, made out at the date it indicates, and in the manner that you have just testified in regard to keeping your time and making out your cards.

A. That is the same.

Mr. FRANK.—I offer this in evidence and ask to

(Testimony of S. Carter.)

have it marked Carter Exhibit No. 10.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Carter Exhibit No. 10.”)
[585—496]

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 13, and ask you if that is your card, whether it is in your own handwriting, made out at the date it indicates and in the manner you have just testified to in regard to keeping your time and making out your cards.

A. That is the same.

Mr. FRANK.—We offer this in evidence and ask to have it marked Carter Exhibit No. 11.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 11.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 14, and ask you if that is your card, whether it is in your own handwriting, made out at the date it indicates and in the manner that you have just testified to in regard to keeping your time and making out your cards.

A. That is the same.

Q. I notice on this card there has been a change from 5360 to 5389; who was that done by?

A. I could not tell you. We use a lead pencil.

Q. Does the timekeeper ever come down to you to find out if your number is right?

A. Yes, sir, if the number is not right he comes to

(Testimony of S. Carter.)

us to find out, or if he thinks there is any mistake he comes to us to find out.

Mr. FRANK.—I offer this card in evidence and ask to have it marked “Carter Exhibit No. 12.”

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Carter Exhibit No. 12.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 15, and ask you if that is your card, [586—497] whether it is in your own handwriting, made out by you at the date it indicates and in the manner that you have just testified to in regard to keeping your time and making out your cards? A. That is the same.

Q. On that card I also see a change from the figures 5325, I think to 5378-1. Is that change in your handwriting or was that made by someone else?

A. This one here you mean?

Q. Yes, that one 5378-1?

A. Yes, I think I made a mistake there and put down the wrong one.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 13.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 13.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 16, and ask you if that is your card, whether it is in your handwriting, made out by you at the date it indicates and

(Testimony of S. Carter.)

in the manner that you have just testified to in regard to keeping your time and making out your cards.

A. That is correct.

Q. I notice a change on that in red ink?

A. Yes, sir.

Q. Do you know what that is?

A. No, sir, I do not.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 14.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 14.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 17, and ask you if that is your card, whether it is in your handwriting, made out by you at the date it [587—498] indicates and in the manner that you have just testified to in regard to keeping your time and making out your cards? A. That is all right.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 15.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 15.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 18, and ask you if that is your card, whether it is in your handwriting, made out by you at the date it indicates and in the manner that you have just testified to in regard

(Testimony of S. Carter.)

to keeping your time and making out your cards?

A. That is the same.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Carter Exhibit No. 16.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is here marked “Carter Exhibit No. 16.”)

(A recess was here taken until 2 P. M.) [588—499]

AFTERNOON SESSION,

S. CARTER, direct examination resumed:

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 20, and ask you if that is your card, whether it is in your own handwriting, made out by you at the date it indicates and in the manner that you have just testified to with regard to keeping your time and making out your cards. A. That is correct.

Mr. FRANK.—I offer this card in evidence and ask that it be marked Carter Exhibit No. 17.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Carter Exhibit No. 17.”)

Mr. FRANK.—Q. I now show you a card marked S. Carter, under date of September 21, and ask you if that is your card, whether it is in your own handwriting, made out by you at the date it indicates and in the manner that you have just testified to with regard to keeping your time and making out your

(Testimony of S. Carter.)

cards. A. That is right.

Mr. FRANK.—I now offer this card in evidence and ask that it be marked Carter Exhibit No. 18.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Carter Exhibit No. 18.”)

Mr. FRANK.—Q. I now hand you a card marked S. Carter, under date of September 23, and ask you if that is your card, whether it is in your own handwriting, made out by you at the date it indicates and in the manner that you have just testified to with regard to keeping your time and making out your cards. A. That is correct. [589—500]

Mr. FRANK.—I now offer this card in evidence and ask to have it marked Carter Exhibit No. 19.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked “Carter Exhibit No. 19.”)

Mr. FRANK.—I now offer in evidence a clock card, under date of September 25, and I ask to have it marked Carter Exhibit No. 20.

(The card is marked “Carter Exhibit No. 20.”)

Cross-examination.

Mr. McCLANAHAN.—Q. This work was done two years ago. I do not suppose you have any recollection of the details of the matter?

A. I don't remember much about it since that length of time.

Q. You just see those cards and you recognize your handwriting? A. Yes, sir.

Q. Do you remember now what you did with the

(Testimony of S. Carter.)

cards after they were made out?

A. In the evening?

Q. Yes.

A. I took them to the office and put them in a box.

Q. You put them in a box? A. Yes, sir.

Q. A box kept there for the purpose of receiving these cards? A. Yes, sir.

Q. Nobody checked them over before you put them in the box? A. No, sir.

Q. How many men were there with you working on the punches at that time?

A. One man worked with me.

Q. What was his name?

A. His name was Montgomery, Pete Montgomery; I think he was here yesterday.

Q. What is he classed as, as a boiler-maker?

A. Just a laborer, I guess. [590—501]

Q. Just a common laborer? A. Yes, sir.

Q. What are you classed—what is your grade—common laborer?

A. No, I run a machine, I am a machine hand.

Q. But you are not a machinist?

A. No, I am not.

Q. Are you a boiler-maker? A. No, sir.

Q. You are not a machinist's apprentice?

A. No; I am running a punch, the shears over there. I don't know whether you would call that a boiler-maker or a machinist, I don't know which.

Q. Don't you know what class you are in as a mechanic?

A. I don't think I am classed as a mechanic.

(Testimony of S. Carter.)

Q. You kept your cards in August and September, 1909, just as all the other men did, did you?

A. Yes, sir.

Q. Nobody checked up any of the cards before they went to the office? A. No, sir.

Mr. FRANK.—Just what do you mean by that, Mr. McClanahan?

Mr. McCLANAHAN.—Wait a moment, Mr. Frank. This man is under cross-examination.

Mr. FRANK.—Yes, but I have a perfect right to understand what you are talking about.

Mr. McCLANAHAN.—Well, if you don't know what he is talking about I feel sorry for you. He said, "No, sir," to my question.

Mr. FRANK.—Oh, if it is a case of hide and go to seek, I will have to go and seek; that is all.

Mr. McCLANAHAN.—Q. When you put the job number on the plate, did you put anything else on it?

A. On the plate?

Q. Yes.

A. I did not put the job number on the plate.

Q. You put it on the machine, is that it?

A. Yes, sir.

Q. I meant the plate of the machine. You found the job number [591—502] on the pieces of plate?

A. Yes, sir.

Q. And you transferred it from the plate to the machine, in chalk? A. Yes, sir.

Q. When you did that, did you put anything else on the machine besides the number?

(Testimony of S. Carter.)

A. I put other numbers down if I had them on the machine.

Q. Nothing else besides the numbers?

A. That is all, and the hours.

Q. What hours did you put on?

A. The day's work.

Q. I am speaking of the first instance, when you first put the job number on the machine did you put anything else down at that time? A. No.

Q. When was it that you next put anything in chalk on the machine?

A. As soon as I got the job done I was working on.

Q. What did you put down then?

A. I put so many hours down.

Q. So many hours opposite the number?

A. Yes, sir.

Q. How did you know the number of hours to put down?

A. I generally have a clock there, and I look and see, and then I know what time it is.

Q. Do you say you generally do that, or do you always do that?

A. Always do that unless I am working on a job that has but one number throughout the day, and then I don't do it.

Q. Would Montgomery also put the number on the machine?

A. No, sir, I did that and he copied it.

Q. And he would copy the hours worked?

A. He would copy it down the same as I put mine down on the card.

(Testimony of S. Carter.)

Q. But he would make it from the machine?

A. He would take the number I put on the machine. [592—503]

Q. And you put that on the machine yourself?

A. Yes, sir.

Q. So that Montgomery did nothing but copy the work that you would put on the machine?

A. That is all.

Q. Copy it on to his card? A. Yes.

Q. Was Montgomery under you?

A. Well, he was helping me; whether he was under me, or not, he was helping me; he was a helper.

Q. Did you ever have any controversy with the office as to the hours that you had worked on any particular piece of work? A. No, sir.

Q. Never any question about that? A. No, sir.

Q. The office had no means of checking your time worked on any particular number, had it?

A. All the checking they could do was on the card. I put my time down on the card, and I was always very particular about that time, about getting it down right. That is all the checking they could do, all that I know of.

Q. You don't know any of these numbers, do you, what ships they refer to?

A. No, I could not remember them now.

Q. Did anyone in the punch shop supervise your work, look over it?

A. Mr. Taylor looks over our work. He is the boss.

Q. How does he look it over?

(Testimony of S. Carter.)

A. He comes around and sees that we are doing it and tells us what to do; that is about all.

Q. You get your instructions as to what to do from Mr. Taylor? A. Yes, sir.

Q. And he comes around occasionally and sees that you are doing that work? A. Yes, sir.

Q. That is the only supervision there is that you know of? [593—504]

A. That is all; that is all I know of.

Redirect Examination.

Mr. FRANK.—Q. Mr. Carter, when you say that you did your cards the same as everybody else, did you mean to say that you were keeping track of other people outside of your helper?

A. No, sir, I don't keep track of nobody only but myself.

Q. You and your helper?

A. Yes, sir, me and my helper.

Q. It was none of your concern how anybody else made out their cards?

A. No, sir, it was none of my concern what other people did.

Q. So far as the checking up of your cards is concerned, you don't know anything about that either, do you, whether anybody checked it up, or not, or how they checked it up?

A. No, sir. I only kept the cards the way I kept them there in the shop.

Q. I believe you testified on your direct examination respecting the changes made in red ink, that the timekeeper would come out and see you about them?

(Testimony of S. Carter.)

A. Yes, sir; if he thought there was anything wrong with the card he always came to us and asked us about it.

[Testimony of Frank Paoli, for Libelant.]

FRANK PAOLI, called for the libelant, sworn.

Mr. FRANK.—Q. Are you with the United Engineering Works? A. Yes, sir.

Q. You were with them in September, 1909?

A. Yes, sir.

Q. In what place were you working in what shop?

A. The boiler-shop.

Q. I show you a card with the name Frank Paoli on it, under [594—505] date of September 2d and ask you if that is in your handwriting?

A. That is in my writing.

Q. Entered up by you at the time? A. Yes, sir.

Q. Where did you get the job numbers from?

A. There is a job number on every job. The boss gives that to us, Mr. Taylor.

Q. There is a job number here, 5318; when you get a job number like that what do you do with reference to keeping track of it and the time you work on that job?

A. We always have the card with us and when we leave that job we put it down.

Q. When you say “we,” you mean that you do?

A. Yes, sir.

Q. And how about the time when you begin and when you end the job?

A. We know when we begin and we know when we end and put it down.

(Testimony of Frank Paoli.)

Q. Where do you put it down?

A. On the time-card. We just keep track of it in a book and we have the card with us.

Q. In a book?

A. In a little book, yes, and they charge up the plates the same way.

Q. Did you keep a book?

A. Yes, sir, I kept a little book.

Q. What did you do with the book?

A. We keep that in case we go on a job and we have some plates charged up, if we have some plates charged up to us, so we won't forget it.

Q. What has become of the book?

A. It was just a little book that we get with our overalls.

Q. Did you keep it or did you throw it away?

[595—506]

A. Oh, I threw it away long ago.

Q. That is what you kept your record in?

A. Yes, sir.

Q. And then you entered it on the card?

A. Then entered it on the card.

Q. Well, was that card kept that way by you?

(Handing.) A. That is my writing.

Q. Well, was the card kept that way by you?

A. It was kept that way by me all the time.

Q. And when evening came what did you do with the card?

A. We wrote it out about 5 minutes before the whistle.

Q. And then what did you do with it?

(Testimony of Frank Paoli.)

A. Then we turned it in.

Mr. FRANK.—I offer that card in evidence and ask that it be marked Paoli Exhibit No. 1.

Mr. McCLANAHAN.—We object to it as immaterial, irrelevant and incompetent, as self-serving, as hearsay, and as not binding on the respondent.

(The card is marked "Paoli Exhibit No. 1.")

Mr. FRANK.—I also offer a clock card of September 11 and ask that it be marked Paoli Exhibit No. 2.

(The card is marked "Paoli Exhibit No. 2.")

Q. Who was F. Boscassi?

A. He was helping me at the time.

Q. I show you a card of September 2d and ask you whether you recognize that?

A. I recognize that, but that is not my writing. He writes his own cards. But he is with me every time I write mine out.

Q. Who does he get his time from and the job numbers? A. He gets his job numbers from me.

Q. And his time?

A. And his time from me too. We correct [596—507] them in the night-time.

Mr. FRANK.—I offer that card in evidence and ask to have it marked Paoli Exhibit No. 3.

Mr. McCLANAHAN.—We object to it as immaterial, irrelevant and incompetent, hearsay, self-serving, and not binding on the respondent.

(The card is marked "Paoli Exhibit No. 3.")

Mr. FRANK.—Q. When you say "we correct them" do you mean you do it together?

A. We do it together. He is with me.

(Testimony of Frank Paoli.)

Q. That is you supervise his work?

A. Yes, I watch out to see that it is right.

Mr. FRANK.—I offer in evidence that Boscassi clock card of September 11, and ask to have it marked Paoli Exhibit No. 4.

(The card is marked "Paoli Exhibit No. 4.")

Cross-examination.

Mr. McCLANAHAN.—Q. What is your grade as a mechanic? A. Ship-fitter.

Q. How old are you? A. I am going on 19.

Q. You are 19 now?

A. I will be in November of this year.

Q. What were *you* in August and September, 1909?

A. I was fitting out in August and September, 1909.

Q. What do you mean? A. Laying out.

Q. What do you mean by that?

A. Working by myself.

Mr. FRANK.—Ship-fitter he means.

Mr. McCLANAHAN.—Q. In August and September, 1909, you were working for the United Engineering Works? A Yes, sir.

Q. What were you working at?

A. Working at the ship-fitter's trade.

Q. Were you an apprentice then?

A. I was an apprentice, but working by myself.

[597—508]

Q. But you were an apprentice?

A. I was an apprentice.

Q. What do you mean by working by yourself?

A. When I started I was helping a fellow and then

(Testimony of Frank Paoli.)

I was working by myself.

Q. You were not working by yourself or for yourself when you worked for the United Engineering Works, were you? A. Yes, sir.

Q. Are you working for the United Engineering Works now? A. Yes, sir.

Q. How long have you been working for them?

A. Four years and two months.

Q. I understand that Boscasi's time was put down by you in a little book?

A. He is with me; we wrote them both together.

Q. Please answer my question; was his time put down by you in a little book? A. Yes, sir.

Q. And your own time was put down in a little book? A. Yes, sir.

Q. Are you sure of that? A. I am sure of that.

Q. Can you remember it now?

A. I remember it all the time. We always do that yet. I fill out the cards myself.

Q. Show me your book now?

A. I have no book in this pocket.

Redirect Examination.

Mr. FRANK.—Q. When you say you are working by yourself, I understand you to mean that you are not a helper? A. No, I am not a helper now.

Q. You are a ship-fitter; that is a distinction, is it?

A. Yes, sir, that is what I mean. [598—509]

[Testimony of Joseph Bush, for Libelant.]

JOSEPH BUSH called for the libelant, sworn.

Mr. FRANK.—Q. You are working with the United Engineering Works? A. Yes, sir.

(Testimony of Joseph Bush.)

Q. You were working with them in September, 1909? A. Yes, sir.

Q. What as? A. As a ship-fitter's helper.

Q. Whose helper were you? A. Gus Sjöberg.

Q. I show you a card with your name on it, under date of September 4, and ask you if that was made out by you. A. Yes, that was made out by me.

Q. At that time? A. Yes, sir.

Q. Where did you get your job numbers from?

A. I got them from Gus Sjöberg.

Q. And the time, where did you get that from?

A. I got it from Gus Sjöberg as I worked on the job and finished it, as long as I was on the job.

Q. That is, you worked with him and he kept the time? A. Yes, sir, he kept the time.

Q. I notice on this card there are some changes in the time; are those in your own handwriting?

A. Those are in my own handwriting.

Q. You made the changes yourself?

A. I made the changes myself.

Q. How old are you?

A. I am going on 18, next month.

Mr. FRANK.—I offer this card in evidence and ask to have it marked Bush Exhibit No. 1.

Mr. McCLANAHAN.—We object to it as immaterial, irrelevant and incompetent, hearsay, self-serving and not binding upon the respondent. [599—510]

(The card is marked "Bush Exhibit No. 1.")

Mr. FRANK.—And I offer this clock card, under

(Testimony of Joseph Bush.)

date of September 11, and ask to have it marked Bush Exhibit No. 2.

(The card is marked "Bush Exhibit No. 2.")

Q. Now, I show you a card with your name on it, under date of September 17, and ask you if that is your card, and if it was written out by you at the time. A. Yes, sir, it was.

Q. The numbers and everything gotten in the same way? A. Yes, sir.

Q. I notice there is a number here changed.

A. That is not my change.

Q. That is not your change? A. No, sir.

Q. Do you know who did it?

A. I believe the timekeeper. There was a wrong number on it.

Q. Do you know whether it is the timekeeper's? I don't care what you believe; if you don't know that is an end of it, we will find out who did it.

A. That is not my change.

Q. Not your change? A. No, sir.

Q. The change is from 5325 to 5318? A. Yes.

Mr. FRANK.—We offer the card in evidence and ask to have it marked Bush Exhibit No. 3.

Mr. McCLANAHAN.—We make the same objection to it.

(The card is marked "Bush Exhibit No. 3.")

Mr. FRANK.—And we offer the clock card, under date of September 25, and ask to have it marked Bush Exhibit No. 4.

(The card is marked "Bush Exhibit No. 4.")

(Testimony of Joseph Bush.)

Cross-examination.

Mr. McCLANAHAN.—Q. Do you remember this work you did at that time, as shown by these cards?

A. I remember I worked there, but I cannot remember what I did. I was working there before that time. I had been working three years and six months.

Q. You had been working there then?

A. Yes, for three years and six months.

Q. You mean now?

A. At the time I went there.

Q. How long had you been working there when this work was done in September?

A. I cannot tell you, it has been such a long time. I believe I started to work there in 1906, and it was going on four years. I probably served my time.

Q. When you made out your cards, Joe, what did you ask Sjoberg for in reference to?

A. I asked him for the job numbers and the hours put on the job.

Q. You didn't know how many hours you worked on the job? A. Yes, I did.

Q. Then what did you ask him for?

A. To make sure of it because he had the watch and I didn't.

Q. Then how did you know the hours?

A. I looked at the watch in the punch-shop.

Q. Referring to your exhibit 1, do you know why you changed the hours as shown on that card?

A. Yes, sir.

Q. Why did you change it?

(Testimony of Joseph Bush.)

A. Because I had too many hours on that, and I looked it over and counted them up. I made a mistake there. Where it has four there, I had it three—no, where I had the 3, it was 4, and where the 3 is down below I made it 2, making it nine hours. I was figuring out the wrong time. [601—512]

Q. You remember that distinctly, do you?

A. Yes, sir.

(An adjournment was here taken until Friday, September 1, 1911, at 2 P. M.) [602—513]

Monday, September 5th, 1911.

[Testimony of Stephen Cronin, for Libelant.]

STEPHEN CRONIN, called for the libelant, sworn.

Mr. FRANK.—Q. Cronin, you were working at the United Engineering Works in September, 1909?

A. Yes, sir.

Q. In what capacity—what were you?

A. I was storeroom clerk.

Q. Storeroom clerk? A. Yes, sir.

Q. Did you keep a record of your time?

A. Yes, sir. During the day I kept a record and then at night I crossed it out.

Q. When you worked at night, did you not keep a record at night? A. Yes, sir, I kept a record.

Q. How did you keep your record?

A. I kept a record on a piece of card behind a machine in the storeroom.

Q. Where did you get your numbers from, your job numbers?

(Testimony of Stephen Cronin.)

A. From the storekeeper, from the list of numbers.

Q. From the list of numbers? A. Yes, sir.

Q. That is, the list that came in from the office?

A. Yes, sir.

Q. How did you keep your time?

A. From the watch.

Q. I show you a card of September 3d, 1909, and ask you if that is one of your cards kept by you at that time? A. Yes, sir.

Q. Is that in your handwriting? A. Yes, sir.

Q. I notice on that card "job number 5295, 7 hours storeroom" and above it is "night." Does that mean that that was night-time for that 7 hours?

A. Yes, sir.

Q. At the time that you made the entries on that card were the entries correct? A. Yes, sir.

Q. Is the red ink "41½ hours"—whose is that?

A. That is the timekeeper's. [603—514]

Q. Is that a change that he made?

A. Yes, sir.

Q. When he made a change like that did he ever consult you about it? A. Yes, sir.

Q. How? A. He came over and told me.

Q. What did he tell you? Did he ask you about it?

A. He would ask me about it and tell me the mistake, and change them.

Mr. FRANK.—We offer this card in evidence and ask that it be marked Cronin No. 1.

Mr. McCLANAHAN.—We object to the offer on the ground that it is incompetent, irrelevant, immate-

(Testimony of Stephen Cronin.)

rial, hearsay, self-serving and not binding on the respondent.

(The card is marked "Cronin No. 1.")

Mr. FRANK.—Q. I show you a card dated September 4th, and ask you if that is a card on which you made the record in the same way that you have testified to. A. Yes, sir.

Q. I notice on 5295 is "4 hours" changed to "3½"; who did that? Whose handwriting is that?

A. The timekeeper's handwriting.

Q. And 5322 is changed to 5320?

A. That is also the timekeeper's.

Q. Was that done in the same way that you have testified to? A. Yes, sir.

Q. After the corrections were made you knew the card to be correct at that time? A. Yes, sir.

Q. There is a change to September 4th. Whose handwriting is that, the date?

A. That is my handwriting.

Q. Your handwriting? A. Yes, sir.

Q. The card was wrongly stamped?

A. Yes, sir.

Mr. FRANK.—We offer that card in evidence and ask to have it [604—515] marked Cronin No. 2.

Mr. McCLANAHAN.—We make the same objection.

(The card is marked "Cronin No. 2.")

Mr. FRANK.—Q. I will show you a card of September 5th, and ask you whether or not that is a card made out by you at that time in the manner you have already testified to, that you made out your

(Testimony of Stephen Cronin.)

card, and whether you knew it to be correct at the time you handed it in. A. Yes, sir.

Q. That is your handwriting? A. Yes, sir.

Q. Was it correct at the time it was made?

A. Yes, sir.

Mr. FRANK.—We ask that that card be marked Cronin No. 3.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 3.”)

Mr. FRANK.—Q. I show you a card of September 6th, and ask you if that is a card in which the record was made in the manner in which you have specified. A. Yes, sir.

Q. I see the date there is changed. Whose handwriting is that in? A. It is mine.

Q. Do you know whether September 6th was a holiday? A. I don't remember.

Q. Was the card correct at the time that you made it? A. Yes, sir.

Mr. FRANK.—We ask that the card be marked “Cronin No. 4.”

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 4.”)

Mr. FRANK.—Q. I show you a card of September 7th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards, and whether you knew it to be correct at the time that you [605—516] handed it in. A. Yes, sir.

Q. It was made out in the same way?

A. Yes, sir.

(Testimony of Stephen Cronin.)

Mr. FRANK.—We ask that that card be marked Cronin No. 5.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Cronin No. 5.")

Mr. FRANK.—Q. I show you a card of September 9th and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your card, and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. Is it all in your own handwriting?

A. Yes, sir.

Q. I notice that there is a change in 5351 from "7 hours" to "4 hours." In whose handwriting is that change? A. It is mine.

Q. In your own handwriting? A. Yes, sir.

Q. And on No. 5295 there is some change about the "2"; whose handwriting is that?

A. That is mine.

Q. Was this card correct at the time you handed it in? A. Yes, sir.

Q. And you knew it to be correct at that time?

A. Yes, sir.

Mr. FRANK.—We ask to have the card marked Cronin No. 6.

Mr. McCLANAHAN.—The same objection.

(The card is marked "Cronin No. 6.")

Mr. FRANK.—Q. I show you a card of September 10th and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether

(Testimony of Stephen Cronin.)

you knew it to be correct at the time that you handed it in? A. Yes, sir.

Q. Is it all in your own handwriting?

A. Yes, sir. [606—517]

Mr. FRANK.—We ask to have the card be marked Cronin No. 7.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 7.”)

Mr. FRANK.—Q. I show you a card of September 11th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. Is it all in your own handwriting?

A. Yes, sir.

Mr. FRANK.—We ask to have the card marked Cronin No. 8.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 8.”)

Mr. FRANK.—Q. I show you a card of September 12th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. There is a change there of the date to September 12th. In whose handwriting is that?

A. Mine.

Q. Your own? A. Yes, sir.

Q. There is some change in the job number; in

(Testimony of Stephen Cronin.)

whose handwriting is that? A. That is mine.

Mr. FRANK.—We ask to have the card marked Cronin No. 9.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 9.”)

Mr. FRANK.—Q. I show you a card of September 13th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards [607—518] and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. In your own handwriting? A. Yes, sir.

Mr. FRANK.—We ask to have the card marked Cronin No. 10.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 10.”)

Mr. FRANK.—Q. I show you a card of September 15th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir.

Q. Whose handwriting is that?

A. That is mine.

Mr. FRANK.—We ask to have the card marked Cronin No. 11.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 11.”)

Mr. FRANK.—Q. I show you a card of September 17th and ask you whether or not that is a card made out by you at that time in the manner you have

(Testimony of Stephen Cronin.)

testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. That is mine.

Q. In whose handwriting is it? A. Mine.

Mr. FRANK.—I ask to have the card marked Cronin No. 12.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 12.”)

Mr. FRANK.—Q. I show you a card of September 20th, and ask you whether or not that is a card made out by you at that time in the manner you have testified to that you made out your cards and whether you knew it to be correct at the time that you handed it in. A. Yes, sir, that is my handwriting.
[608—519]

Q. I see that the date is changed to September 20th. A. That is the timekeeper’s.

Q. Have you any recollection of how that is done?

A. That was the day before time-card, and I forgot to change the date on it so he changed it and told me about it. There was a wrong stamp I guess on it.

Mr. FRANK.—We ask that the card be marked Cronin No. 13.

Mr. McCLANAHAN.—The same objection.

(The card is marked “Cronin No. 13.”)

Mr. FRANK.—I ask to have these Cronin clock cards of September 11th and September 25th marked Cronin 14 and 15 respectively.

(The clock cards are marked “Cronin No. 14” and “Cronin No. 15.”)

(Testimony of Stephen Cronin.)

Cross-examination.

Mr. McCLANAHAN.—Q. How old are you?

A. 18.

Q. Are you still working for the United?

A. Yes, sir.

Q. You kept your own time, did you?

A. Yes, sir.

Q. You speak of a timekeeper; he was the man in the office, was he not? A. Yes, sir.

Q. Why do you call him the timekeeper?

A. He always kept track of the time, I guess.

Q. I do not want you to guess; do you know?

A. Yes, sir, he kept track of the time.

Q. How did he keep track of the time?

A. Well, by taking it off the time-cards and putting it down in the book, I guess.

Q. "I guess again." Do you know?

A. Yes, sir, I know.

Q. You knew then that he took the time from the cards and put it [609—520] down in books?

A. In books.

Q. In the office? A. Yes, sir.

Q. Is that all he did with reference to keeping time? A. I don't remember what else he did.

Q. That is all you know of? A. Yes, sir.

Q. So that he knew nothing about the time except as he found it on the cards that you turned into the office? A. Yes, sir.

Q. He was called the timekeeper? A. Yes, sir.

Q. Did you have any other timekeeper?

A. No, sir.

(Testimony of Stephen Cronin.)

Q. When you made out your cards you made them out yourself? A. Yes, sir.

Q. Put your own time down? A. Yes, sir.

Q. And turned that card into the office yourself?

A. Yes, sir.

Q. And in that way it passed into the hands of this so-called timekeeper? A. Yes, sir.

Q. Who worked with you in the storeroom?

A. The storekeeper.

Q. What was his name? A. Roberts.

Q. He had nothing to do with your time?

A. No, sir.

Q. How did you keep track of your own time?

A. I put it down on a piece of paper behind the machine and I put it down in the night-time, and copied it off on to my card.

Q. Where would you get the time from?

A. From a watch.

Q. Whose watch? A. The storekeeper's watch.

Q. One he wore? A. Yes, sir.

Q. How would you get the time from his watch?

A. I would ask him the time and look at the time myself. If he was not there I would go to the office and get the time.

Q. Is that the way he kept his time, with his watch? A. I don't know how he kept his time.

[610—521]

Q. What is this storeroom?

A. Where they keep all the supplies and stuff, in there; pipe fittings and supplies for the machinists and bolts and stuff. There is a bolt machine in there

(Testimony of Stephen Cronin.)

where they thread bolts.

Q. Anyone else in the storeroom besides you and the storekeeper?

A. No, sir; myself and the storekeeper.

Q. So that you yourself would be the only one who would know about your time? A. Yes, sir.

Q. I hand you your exhibit No. 1 and ask you who made the red ink change? A. The timekeeper.

Q. The 4½ hours? A. Yes, sir.

Q. How did he know anything about that?

A. It was punched on the clock.

Q. What is punched on the clock?

A. The time I came in. He came over and told me about it and changed it.

Q. The time you come in is punched by the clock. How is the 4½ hours determined?

A. That is 4½ hours in the afternoon, that is when I worked.

Q. Look at the card and see if that is the afternoon. A. Yes, sir.

Q. How can you tell that that 4½ hours is in the afternoon?

A. Well, I did not come in the morning.

Q. Do you remember September 3d?

A. Yes, sir, I remember it; I came in the afternoon.

Q. You remember coming in the afternoon?

A. Yes, sir.

Q. On that day? A. Yes, sir.

Q. What makes you remember that, Stephen?

A. Well, whenever I am away I am generally

(Testimony of Stephen Cronin.)

away in the forenoon.

Q. What makes you remember that you came on September 3d in the [611—522] afternoon instead of in the morning?

A. Because I worked that night in the storeroom there on that job.

Q. Why did you not come to work in the morning?

A. I don't know. I was sick, I suppose, or something was the matter; I don't remember. I don't remember what was the matter that day.

Q. When you are sick, do they have someone else take your place? A. No, sir.

Q. So that the 7 hours shown on this Exhibit No. 1 after 5295 is all night work?

A. All night work; yes.

Q. What kind of work was that. You remember the day, do you? A. Yes, sir.

Q. Or the night, rather.

A. I was threading bolts and waiting on orders coming in on that vessel.

Q. Waiting on what orders?

A. Coming in from the job.

Q. What kind of job? A. Bolts and stuffs.

Q. Did any orders come in in the afternoon?

A. Yes, sir.

Q. Of September 3d?

A. There is orders coming in on all jobs in the afternoon.

Q. I am speaking about September 3d. You remember that day, do you? A. Yes, sir.

Q. Did any orders come in on September 3d in the

(Testimony of Stephen Cronin.)

afternoon? A. Yes, sir.

Q. For job 5295?

A. I don't know if it was for job 5295.

Q. You don't remember that?

A. I don't remember that. I don't keep track of those.

Q. You don't keep track of the job numbers?

A. Yes, sir.

Q. Do you know what job number 5295 is?

A. Yes, sir. [612—523]

Q. What is it? A. The "Hilonian."

Q. What is job No. 241 as shown by your Exhibit No. 1? A. That is the shop number.

Q. So that all your work on the afternoon of September 3d was done for a shop number?

A. Yes, sir.

Q. And at night you worked on the "Hilonian" number? A. Yes, sir.

Q. Did you not have any more work for the shop that night? A. No, sir.

Q. Now, I show you your exhibit No. of September 4th and call your attention to a change in your hours of work after 5295; the change is from 4 to 3½ hours, as you see. A. Yes, sir.

Q. And you said that that was made by the book-keeper. A. Yes, sir.

Q. Now, originally you looked at Mr. Roberts' watch, I suppose, and put down the 4 hours?

A. Yes, sir.

Q. What did the timekeeper change it for?

A. Because I made a mistake in the time and I

(Testimony of Stephen Cronin.)

punched the clock and the clock punched out $3\frac{1}{2}$ hours, and I made a mistake.

Q. How did he know you made a mistake in putting down 4 hours when it should have been $3\frac{1}{2}$ —he, the timekeeper?

A. It was punched out $3\frac{1}{2}$ hours and he came over and asked me what was the matter and I told him I looked at the watch and I guess I made a mistake in looking at the watch.

Q. Don't you know the clock would not punch out $3\frac{1}{2}$ hours, as you say, or 4 hours?

Mr. FRANK.—Why would it not?

A. The punch gives the exact time as you go out.

Mr. McCLANAHAN.—Q. It gives the time you come in and the time [613—524] you go out exactly? A. Yes, sir.

Q. When you came in on that day, September 4th, what work did you do first on that day, for what number?

A. The first was 241. I wait on all orders.

Q. You worked all day long on 241, did you not?

A. Yes, sir.

Q. On September 4th? A. Yes, sir.

Q. At night you began to work on 5295?

A. Yes, sir.

Q. And that night you worked for $7\frac{1}{2}$ hours, did you not, according to that card? A. Yes, sir.

Q. How did the clock tell you how much of that $7\frac{1}{2}$ hours belonged to 5295?

A. I kept track of the time that I worked on each job number.

(Testimony of Stephen Cronin.)

Q. I am speaking about the time clock that you punched. How could that tell how much of the 7½ hours belonged to 5295? A. It don't tell that.

Q. How did the timekeeper know to that correction?

A. He asked me; he came over and I had it down on a piece of paper and he asked me to look it up. I looked it up and I had 4 hours on that, and the rest of the hours on the other job. I told him I looked at the watch and I guess the mistake was on the watch.

Q. You remember that, don't you? A. No, sir.

Q. You remember his coming over to see you at that time?

A. Yes, sir; he always comes over and asks about the change.

Q. Do you remember that on September 4th that he came over to see you?

A. I don't remember that.

Q. You have just made an explanation of that that accounts for that change?

A. He always does come over and tell me. [614—525]

Q. I show you a card of September 7th, your Exhibit No. 5. You worked the whole day on that job number, 241, did you not? A. Yes, sir.

Q. That is a shop job number? A. Yes, sir.

Q. And at night you worked on 5295?

A. Yes, sir.

Q. Do you remember that?

A. No, sir, I don't remember that.

(Testimony of Stephen Cronin.)

Q. You don't remember why 5295 was all night work and a shop number, 241, was all day work?

A. Because that was the only job that was in there at that time, and I was working on that job on the "Hilonian."

Q. What was the only job in there at that time?

A. The "Hilonian." I worked overtime.

Q. You worked overtime always on the "Hilonian," did you? A. Yes, sir.

Q. By that time what do you mean, during September? A. Yes, sir.

Q. I hand you a card, Exhibit 6, on which there appears job number 5351. Is that a "Hilonian" job number? A. No, sir; that is different.

Q. I thought you said the "Hilonian" was the only job in the shop? A. Maybe another job came in.

Q. Maybe another job came in? A. Yes, sir.

Q. Do you know the "Hilonian" job numbers?

A. I know 5295. That is the only one I remember.

Q. Don't you know what 5351 is? A. No, sir.

Q. On this card, September 9th, Exhibit 6, you worked all day on a shop number, did you not?

A. Yes, sir.

Q. Your overtime was thrown to 5351 and 5295?

A. Yes, sir.

Q. Do you know why?

A. Probably I worked overtime. [615—526]

Q. I show you your Exhibit No. 7 of September 10th; 241 is the number there on which you worked 9 hours, is a shop number? A. Yes, sir.

Q. And overtime is on the "Hilonian"?

(Testimony of Stephen Cronin.)

A. Yes, sir.

Q. Do you know why? A. Why I worked?

Q. Why the overtime is on the "Hilonian"?

A. Because I worked at night on that job.

Q. That is, all day you worked on shop job numbers? A. Yes, sir.

Q. And at night you worked on the "Hilonian"?

A. Yes, sir.

Q. And that is the same explanation of Exhibit No. 8, is it? A. Yes, sir.

Q. Where you worked all day on the shop number and at night on the "Hilonian"? A. Yes, sir.

Q. And that is the same explanation that you make for your Exhibit No. 10, where you worked all day on the shop number 241? A. Yes, sir.

Q. And at night on the "Hilonian"?

A. Yes, sir.

Q. The same with your Exhibit No. 11?

A. Yes, sir; 241, 9 hours in the storeroom and the shop, and 5293, 3 hours' overtime.

